

Summary of recommendations to the executive and executive responses [Section 20]

Between May – October 2018 a task and finish group concerning the response of the Council to the judgment of the High Court concerning the application of Section of the Children’s Act 1989 was conducted.

The following was recommended to the executive:

Recommendation No. 2	That the children and young people scrutiny committee supports the proposed audits in 2019 and recommends to the executive an annual audit (for the foreseeable future) of compliance, by SWAP, on section 20 arrangements and a regular in-house audit/review of the legal tracker.			
Executive Response	Accepted - The executive agrees that an audit by SWAP will support robust arrangements within the Safeguarding and Family support service in respect of all section 20 cases. We now have in place a mechanism to enable the service to explicitly manage the use of Section 20.			
Action	Owner	By When	Target/Success Criteria	Progress
To request the chief finance officer build an audit into the annual internal audit plan for approval by Audit and Governance Committee to request that SWAP carry out audit of Section 20 arrangements	Assistant Director Safeguarding & Family Support	July 2019	Audit completed, good practice noted and any further improvements acted upon	
Legal tracker to be reviewed as part of S20 tracking at alternatives to care panel	Assistant Director Safeguarding & Family Support	From Sept 2018	Already underway	Put in place through the initial work to improve practice around Section 20

Recommendation No. 3	That the executive considers comprehensive training for all new members of staff (within relevant social care and legal roles) should be provided to ensure a strong emphasis on business continuity and risk management, in respect of section 20 processes, during times of change.
Executive Response	Accepted. It is important that staff joining Herefordshire Council are made aware of how work is carried out and the expected high standards to ensure Section 20 is used appropriately.

Action	Owner	By When	Target/Success Criteria	Progress
Induction programme for new social work entrants (including agency staff) into Herefordshire Council Children and Families is revised to include input from the legal department, on section 20 processes, and lessons learned from the recent review of all S 20 cases. Training will also be provided to existing staff to refresh the training that has already been given on Section 20. This will include staff who work in legal services	Assistant Director Safeguarding & Family Support/Deputy Solicitor to the Council (children and families)	From Jan 2019	New members of staff are informed about Herefordshire Council's approach and are able to put this into practice so that children benefit from the correct application of Section 20	As part of public law outline training for new staff this is already taking place. This training will also be offered twice a year.

Recommendation No. 4	<i>That the executive makes provision for adequate levels of resource to be committed to training and research around relevant case law to ensure professional development of solicitors and social workers at the council. To ensure an understanding of topical judgments with a bearing upon the application of section 20.</i>			
Executive Response	Accepted. Children will benefit from the work of solicitors and social workers who have up to date knowledge of case law and are able to put this into practice.			
Action	Owner	By When	Target/Success Criteria	Progress
Legal Services will keep the Senior Management Team in Children's Services aware of any judgments in relation to S20 that may require attention and a change in practice, and SMT will ensure these are cascaded through the organisation in monthly blog, through relevant management and team meetings, and bi monthly learning events due to commence December 2018.	Deputy Solicitor to the Council (children and families)	From December 2018	Solicitors and social workers work is informed by recent case law, evidenced through audits.	Legal services produce a newsletter to social care staff that contains updates on recent court judgments.

Recommendation No. 5	<i>That the executive considers the introduction of a precise protocol to provide a framework for social workers to follow when attempting to secure informed consent from parents for the application of section 20.</i>				
Executive Response	Accepted. This will provide strong guidance to ensure that informed consent is given.				
Action	Owner	By When	Target/Success Criteria	Progress	
Legal Services and Assistant Director, Safeguarding and Family Support to produce a protocol for all social workers to follow, giving specific emphasis to the issue of informed consent from parents	Assistant Director Safeguarding & Family Support and Deputy Solicitor to the Council (children and families)	Completed	Protocol in place and used by social workers so that informed consent is given in Section 20 cases.	A revised consent form is now in place for social workers to use.	
Recommendation No. 6	<i>That the executive seeks clarification from central government regarding the application of section 20 for people whose age is in doubt or develops a process for use by social workers in such circumstances.</i>				
Executive Response	Accepted. It is important to be clear on the use of Section 20 in all circumstances.				
Action	Owner	By When	Target/Success Criteria	Progress	
The 16+ Manager will seek clarification on the approach to determining age in such circumstances	Childrens' Social Work Manager	Jan 2018	The service has an informed approach to clarifying age where this is in doubt, within the national guidelines	16+ Manager is in contact with the regional DfE lead to confirm approach.	

Recommendation No. 7	That the executive arranges an all-member seminar to raise awareness of progress made, with the implementation of new processes, since the judgment.				
Executive Response	Accepted. However, it is proposed that this seminar is carried out after SWAP t has produced its findings following the audit being completed by July 2019.				
Action	Owner	By When	Target/Success Criteria	Progress	
A seminar for all members will be arranged to provide an overview of the issue, how it was addressed, and measures put in place to prevent it re-occurring.	Assistant Director Safeguarding & Family Support	Sept 2019	All councillors have the opportunity to be updated on the progress and practice regarding the use of Section 20.		

Recommendation No. 8	That the executive should offer details of the processes put in place and the response to the judgment, as an exemplar of best practice, to other local authorities facing historical issues concerning the application of section 20.				
Executive Response	Accepted. Herefordshire benefits from the sharing of best practice by other local authorities and can provide this response for other local authority areas to benefit.				
Action	Owner	By When	Target/Success Criteria	Progress	
The director children and families and assistant director safeguarding and family support share information with other local authorities via their professional networks and with individual local authorities as requested.	Director for Children & Families and the Assistant Director Safeguarding & Family Support	Already taking place	Other local authorities are made aware of the revised processes and practice in place in Herefordshire.	The Herefordshire approach has already been shared with one other local authority.	