



Task & Finish Group Report

**Review of court judgements
relating to children and families**

February, 2019



Review of Court judgements relating to children and families

Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of Court judgements relating to children and families.

The group met on three occasions receiving expert input from officers who have been intrinsically involved with the recent court judgments. Officers invited to provide evidence to the group were Chris Baird, (Director, Children and Families) Liz Elgar (Assistant Director Safeguarding and Family Support), Tim Marks (Deputy Solicitor to the Council – Children and Families) and Tracey Sampson (Head of HR and Organisational Development).

As a result of those discussions the task and finish group has made 14 recommendations in regard to the high court judgement concerning children and families.

The task and finish group would like to place on record our thanks to all who contributed. The manner in which officers presented a complex and technical subject with clarity and conciseness was a great assistance in facilitating the understanding of the task and finish group. The task and finish group would also like to recognise the very hardworking staff in both children's and legal services. The group recognises that staff work in an environment where there are very complex and difficult choices and decisions to be made. We wish to thank them for their dedication in seeking to deliver the very best possible outcome for the children in our care.

I would like to offer my own personal thanks to all who contributed to and supported the work of the group for their professionalism, honesty, dedication and hard work.

I must also thank my fellow group members: Cllr Chris Chappell, Cllr Felicity Norman, Cllr Mark McEvilly and Cllr Alan Seldon, for their informed and insightful input.

Councillor Carole Gandy, February 2019
Chairperson of the Court Judgements Task and Finish Group

1 Executive Summary

- 1.1 Following the High Court judgements of Justice Keenen, the scope and terms of reference was agreed by the children and young people scrutiny committee on 4 February, 2019. The judgements attracted significant interest and publicity both locally and nationally.
- 1.2 The task and finish group was established to assess the response of the Council to address those concerns raised in the judgements and also the recent Ofsted Inspection. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached as appendix 1.
- 1.3 There is agreement in the group that the summary of our findings are a true reflection of the discussions undertaken.

2. Composition of the Task and Finish Group

- 2.1 Members of the task and finish group were:

Councillor Carole Gandy (chairperson)
Councillor Chris Chappell
Councillor Felicity Norman
Councillor Mark McEvelly, and
Councillor Alan Seldon

- 2.2 Lead directorate officers – Chris Baird, Liz Elgar, Tim Marks and Tracey Sampson

3 Context

Why did we set up the group?

- 3.1 Two judgements by the High Court in December 2018 found that there had been historic failures in Herefordshire Council in respect to two recent cases and the other relating to the revocation of a longstanding placement order.
- 3.2 The review undertaken by the task and finish group was commissioned to look at adoption processes and placement orders and the arrangements in place to ensure their appropriate use. The work will include reflections on cases and current practice.

What were we looking at?

3.3 The focus of the review was to enable the task and finish group to:

- develop an understanding of adoption processes and placement orders;
- understand the judgements of the high court and how they are being addressed;
- learn what new measures are in place (for example, the introduction of the sibling separation tool; changes advocated by the Doncaster Children's Trust in respect to the Independent Review Officer (known hereafter as IRO) Service and strengthened reporting measures in MOSAIC) to ensure the appropriate use of adoption processes and placement orders is consistently applied;
- examine how the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) are aiming to positively influence working practices and culture change within children's service
- assess the robustness of the processes in place to quality assure case management;
- look at current case studies to ensure processes are being observed and processes and orders appropriately applied;
- consider how members could be part of a quality assurance process in terms of future case management;
- consider ways in which the voice of the child is being heard (having regard for the age and understanding of the child(ren) in connection to adoption and placement cases) and what improvements could be made.

Who did we speak to?

- 3.4 On 18th, 20th and 21st February, 2019 the group convened three meetings, on each of the dates, they engaged with the following officers:
 - Chris Baird, Director Children and Families (Meeting 1)
 - Liz Elgar, Assistant Director Safeguarding and Family Support (Meeting 1,2 +3)
 - Tim Marks, Senior Children's Solicitor (Meeting 2 +3)
 - Tracey Sampson, Head of HR and Organisational Development (Meeting 2)

What did we read?

- 3.5 The group looked at the information below to undertake this review:
 - A briefing paper outlining adoption orders, adoption panels and placement orders
 - Ofsted inspection reports – as follows:

- Ofsted Inspection report – 13 February 2012. Herefordshire Council Fostering Service.
- Ofsted Inspection report – 10 -19 September 2012. Inspection of Local Authority Arrangements for the Protection of Children.
- Ofsted Inspection Report – 11- 19 September 2012. Herefordshire Inspection of Child Protection.
- Ofsted Inspection Report – 30 June, 2014. Inspection Service for Children In Need of Help and Protection, Children Looked After and Care leavers and The Review of Effectiveness of the Local Safeguarding Board.
- Ofsted Inspection Report – 11 – 22 June, 2018. Ofsted Inspection of Children’s Social care Services.
- The Council papers issued for the Extraordinary Meeting of Full Council in relation to Justice Keehan’s court judgements, 18 January, 2019
- The Council’s Judgement improvement plan, and
- The Ofsted Inspection Improvement Plan, developed after the June 2018 Ofsted Inspection.

What did we ask?

3.6 In order to undertake the review the task and finish group agreed the lines of questioning below:

- What are adoption processes and placements orders and when should they be used;
- What processes manage the appropriate use of adoption processes and placement orders;
- Are the processes being observed and orders appropriately applied? And,
- What training and staff development is underway to ensure that all staff dealing with adoption/placement cases have the appropriate skills and experience

What did we find from our research?

3.7.1 The task and finish group developed an understanding of adoption orders and placement processes.

3.7.2 **An adoption is an order** giving full parental responsibility for a child to the approved adopters, made on their application to the court. An adoption order severs the legal ties between a birth parent and the child so that the adoptive parent(s) become the child’s legal parent(s) throughout life. An adoption order does not end when a child turns 18 – the child/adult remains a legal member of his/her new family permanently.

3.7.3 Birth parents will always remain the child’s biological parents, and their history will be important for the child to understand as they grow up, but after the order is made, they will no longer be the child’s legal parents. An adoption order can only be made either with the consent of the child’s birth parents or if the court has dispensed with the birth parents’ consent by making a placement order.

3.7.4 **A placement order** will usually be made if a child is at significant risk, and if there is no prospect of the child being able to be cared for safely by his/her parents or relatives within a reasonable timescale. This is the legal ruling made by the courts which authorises an LA to place a child with approved prospective adoptive parents. At this stage in the adoption process, the LA and the prospective adoptive parents share parental responsibility for the child. A placement order will last until an adoption order is made, or until the courts decide to end the placement order.

- 3.8 **What did the judgements of the high court find?** The task and finish group learned about the details of the two court judgment made by Justice Keehan.
- 3.8.1 **In case 1, two half-sisters.** Sister 1 and sister 2, having the same mother and different fathers were made the subject of care orders and placement orders on 2 May 2008. Neither were ever placed for adoption. In outlining the concerns with this case Justice Keehan noted that there was a lack of follow through on adoption plans; a failure to revoke placement orders as required; poor standards of case recording and chronology, making case history difficult to follow; a lack of clarity in decision making, particularly decision not to place sisters together; a high number of moves of placement for each sister, detrimental to good outcomes; a high turnover of social workers, managers and Independent Review Officers involved with the sisters, and a particularly poor standard of care leaver accommodation for sister 1 in October 2018.
- 3.8.2 **In case 2 - Twins proposed to be adopted, by different prospective adopters.** In outlining the concerns with this case justice Keehan noted that, there was a lack of adherence to the court approved care plan to pursue foster placement together for a three month period; a lack of completed and signed social work “together /apart” assessments to inform decision making to separate twins; inappropriate paraphrasing of a psychologist report in social work assessment, altering original psychologist opinion on separation; a lack of IRO challenge to decision to separate twins and ensure adherence to court approved care plan; poor or delayed case recording, in some instances up to two years out of date; a lack of management action to address delay in case recording; an apparent deletion of vital information pertaining to children, so not disclosed to prospective adopters in CPR and there were delays in providing all relevant paperwork to the court.
- 3.9 The task and finish group developed an understanding of what new measures are in place to ensure the appropriate process and practices are consistently applied, following the court judgments. The group learned of the ‘Judgement improvement plan’ prepared by the Assistant Director Safeguarding and Family Support and the Deputy Solicitor for Children’s Services. The group also learned of the Ofsted Inspection action plan.

What did we find from talking to Officers?

- 3.10 Officers presented the key developments since the court judgement had been made in regard to the two cases presided over by Justice Keenen.
- There is similarity in what the Ofsted reports have found during inspections in 2014 to 2018. The most recent report recognises that the majority of core practices within children’s services requires improvement.
 - Since the last inspection in 2014, senior leaders have made some progress and have improved practice. The 2018 report notes that the vast majority of children in care live in good placements, where their outcomes improve.
 - Some areas for improvement noted by Ofsted resulted from a lack of capacity and deficits in practice, not just with children’s services, but also with legal advice.
 - New resources are being brought in to both legal and children’s services to strengthen capacity.

- Changing practices, notably around the development of the 'Judgement improvement Plan' are ensuring that legal frameworks and case management recording is more systematically and consistently applied.
- 3.10 Officers presented the learning points arising following the judgement. Details of actions taken, or in progress in relation to the Judgment Improvement Plan. The following principal topics were discussed and responses provided – set out below.
- 3.10.1 Sibling separation in adoption cases. It was explained that in cases of child protection it may be that there is more than one child born into and removed from their biological parent(s). It is possible, therefore, that further children are born after the first child has been adopted. Prospective adopting parents tend to want to adopt very young children, and may only wish to adopt one child. Older children tend to be harder to find adoptive parents for and some older children do not wish to be adopted at all. In all instances there is a complex set of considerations to weigh up.
- 3.10.2 The Sibling Separation Tool (SST) has been introduced to complement the 'together/apart' assessment to ensure that any future decisions recommending separation of siblings consider all relevant matters. These are then presented to the adoption decision maker (ADM) and clearly recorded on the MOSAIC system.
- 3.10.3 There was a perceived weakness resulting from changes in team management and omissions in case notes when transferring cases. This was described as a product of capacity issues within children and legal services and wide ranging management restructures. It was noted, however, that the social work system is predicated on fairly routine changes in social worker. Each social service area has their own specialist social worker teams, so as children move through the care system, they will have different specialist to support their needs. This is a common factor in social work across children's services in other Local Authority settings.
- 3.10.4 It was acknowledged that transferral of case work has not always been as well ordered as it could have been. This is an area receiving attention - transferral from assessment to child protection services is now described as well-structured. It is overseen by a head of service following a clear process and emphasis on 'inter-team' working/discussion rather than silo working and over-reliance on electronic communication. It was explained that there are routes through which children can raise concerns. For example, through their independent reviewing officers (IROs) or their foster carers. Six monthly LAC reviews also provide means for complaints/concerns to be raised and addressed.

Examining the judgements of the high court and how they are being addressed.

- 3.10.5 Following the 2018 Ofsted inspection, the IRO service was described as a generally improving picture of support sitting alongside a committed legal service (see also 3.10.20 to 3.10.23 below). The Doncaster Children's Trust have been invited to assess Herefordshire's IRO service and are reviewing a number of cases in Herefordshire. A dedicated manager has been brought in to manage the IRO team – an action that has been welcomed by the Doncaster team. The principal role for an IRO is to be the 'eyes and ears' of the service. Their service is guided by an IRO handbook which is based upon national guidance.
- 3.10.6 IROs chair child protection conferences – while IROs are not entirely independent of the authority they are independent of case management. There is recognition that as a result of budgetary cuts some children's services, such as edge of care and staffing, have been reduced over a number of years. It was explained that judgements had to

made in an operating environment of long term spending restraint and increasing demand on some service areas. Risks were assessed as reasonably as possible but there were arguably some unintended consequences. Some of these areas are now being re-resourced.

- 3.10.7 The working relationship between legal and children's services was explored. It was noted that the in-house legal team do provide advice as well as outsourcing legal advice. It was noted that the working relationship between the teams was predominantly conducted via email. It was advocated that closer working between the two service areas would be of benefit. As a result promoting closer working between social workers and legal service is an area of focus for the current leadership team. For example in preparing the statements that go before the courts and to ensure documents conform with process and legal expectations.
- 3.10.8 It is recognised that the court proceedings can be quite daunting in preparing for and delivering evidence in a court setting. Judge Plunkett acknowledges this fact and has indicated that he would be willing to assist Herefordshire council in preparing social workers for cross examination in court.

Looking at what new measures are in place to ensure the appropriate process and practices are consistently applied.

- 3.10.9 Making changes to a care plan should be agreed through a statutory looked after review which is chaired by an IRO. If there is a change to a care plan related to siblings being separated, a review should be asking to see the 'together/apart' assessment. As noted above, this was an area highlighted as being incomplete in the Judge Keenen cases. If this hasn't been completed, the IRO chairs are instructed not to go ahead with any proposed changes. There can never be, therefore, any adoption plan that has not been scrutinised by the looked after review before being placed before the court. There is an advocacy service for children who are looked after. If a case is subject to proceedings and before the court, the local authority's care plan is also scrutinised by a guardian (employed by the Children and Family Court Advisory and Support Service (CAFCASS)). The guardian is also represented by a solicitor
- 3.10.10 In the 'Judgement improvement plan' it was explained that information would be given to members on the number of children that are proposed to be adopted and in what timescales. It would provide members with information on performance in relation to plans for adoption and children who are then adopted. There are occasions when care plans need to change and as a result children may then not be adopted. This information could also be provided. It was explained that this information is provided in a child permanence report (CPR) – it will tell the story of the child, noting if members of the birth family, for instance, could care for the child. The CPR can be updated at intervals dependent on how old the child is and how long the child is waiting for an adoptive placement to be found and presented to the Adoption Decision Manager for review.
- 3.10.11 The practice of reporting via the MOSAIC system was discussed. As a result of the court judgements, the way in which CPRs are completed has changed. Updates to the CPR are added with information gathered left in the reports, rather than being deleted. Using colour coded updates enables the reviewer to see where updated information has been inserted. This allows for a chronology of events/changes to be reviewed. The key principle is to ensure that the system is not overly prescribed with process. It was confirmed that officers have a good degree of training. By ensuring that updating of case records on MOSAIC alongside the production of CPRs, the information contained within these reports will be the most up to date available.

- 3.10.12 Voice recognition software was raised; this assistive technology is being trialled to support social workers in recording case notes more quickly following case review meetings and visits.
- 3.10.13 Reassurances were sought that information could no longer be concealed or omitted in reporting. It was noted that this is always a risk, but there has to be a reliance on the professionalism of officers. They need to be clear on what information is required and expected to be presented in reports. There are now checks and balances – report review processes do enable push back if important information is missing. Inevitably, though, the high volume of cases means that the higher risk areas are prioritised for review. It was also noted that reports are accessible to the subject members (the children and families under review). They can demand access to their reports at any time. If information is missing, incorrect or poorly drafted, they will be able to ask that this is corrected. The reports also go before the courts, it is therefore an imperative that they receive quality assurances and sign offs before they do so.
- 3.10.14 A further priority action is staff routinely being provided with professional development discussions with their managers. Cases are audited which helps identify any development needs, feedback from the audits are fed back to all staff. Training is delivered in-house but there is also a training budget for additional training requirements. As a result of the Ofsted report – recording of case supervision and worker supervision is now routine. There are also placement order trackers, these cases are reviewed every six months.
- 3.10.15 Feedback from the adoptive parents connected to one of the court judgements has provided helpful 'practice' insights about how the service is delivered. A clear emphasis on ensuring that families are listened to and are seen to be listened to in case notes is important. The outcome they are seeking may not always be deliverable but it is important that they see that their evidence has been evaluated as part of the decision making. The leadership team is reflecting on how this evidence can be made more visible.

A lack of management oversight – how is this being addressed?

- 3.10.16 It was outlined that the legal team should shoulder joint responsibility for some of the failings in the cases outlined in the court judgements. T+F group members wished to explore whether the court judgements resulted from a shortage of staff or case mismanagement. It was explained that it was likely to be a combination of both; a lack of staffing and in some instances a failure to act on legal advice in others. There was a mismatch in communication about whether the court ordered care plan was being followed, this was underpinned by poor documentation which did not clearly indicate which care plan was being followed. The court judge, the guardian and the social worker all had different perspectives on what was the right course of action to be taking. It was not clear on the status of some of the documentation; some reviews had been wrongly assigned as LAC reviews when they should have been filed as adoption reviews. Leading to a confusing picture overall.
- 3.10.17 There are currently 11 action plans underway all leading to the overarching Ofsted improvement plan. They are monitored on a monthly basis and any delays in progress identified. Information from those plans can be pulled together quite readily by children's services when/if requested and presented to the scrutiny committee. It was noted that workforce data can also be reported to scrutiny if requested.

- 3.10.18 It was explained that improvements are now being made but this can only be sustained if current staffing capacity is increased. It was reported that legal and children's services are now working more closely. Combined with the new leadership team, closer oversight of cases, and clear action plans the culture change that is needed is beginning to develop.
- 3.10.19 Recruitment was reported to be very challenging – the authority is competing with private practice which provides a more attractive offer. To overcome this, it was explained that new entrants are being recruited in both legal and children's services. This – it was explained - has advantages and disadvantages. On the one hand you recruit talented individuals keen to progress their careers; on the other hand the lack of experience means that a lot of time is required to support them and case load (for new entrant social workers (ASYEs) is kept at a reduced level. There is also the risk that after a few years you will lose those staff through career progression. It was reported that discussions are underway to for children's legal services to be made a special case for more resources to recruit the right team.
- 3.10.20 It was noted that career pathways in social work and legal services are very mobile – it is seen as beneficial to career prospects to move around reasonably frequently in the early phases of a career. It was suggested that Herefordshire should use its status as a career stepping stone as a positive selling point – an authority that looks out for young talent, nurtures that talent and up-skills its employees.

Interim findings from the Doncaster Children's Trust

- 3.10.21 The Doncaster Children's Trust – identified by Ofsted as a good authority and IRO service - has been invited to review the Herefordshire IRO service. Doncaster's team include an interim director of performance and their principal social worker. Initial feedback on Herefordshire IRO service has been received. It is noted there is some positive feedback and some areas for development, but at this stage the final report has not been received. Herefordshire's IRO lead has begun to introduce an improvement plan. Reassuringly, Doncaster's interim report includes activity that is already part of the working practices of Herefordshire's IRO service (following the Ofsted report in July).
- 3.10.22 It was also reported that ongoing recruitment efforts are underway to increase the number of council employed IROs to bring the staffing of the service up to capacity. There has been limited interest in these posts - a key factor influencing was felt to be the perceived low-rates of pay in Herefordshire. While pay rates in neighbouring authorities is not significantly higher than Herefordshire, it was explained that neighbouring authorities do provide significant other benefits, such as bonuses, free parking, shopping vouchers schemes and free use of council facilities such as local swimming baths.
- 3.10.23 It was noted that the market forces supplement has been through the Employment Panel and now officers have delegation to increase the market supplement to IROs. This has not been done to date. Herefordshire council's difficulty is, in offering similar incentives we risk starting a 'bidding war' whereby tit-for-tat pay rises is encouraged within our neighbouring LAs. There is a focus in extolling the benefits of living in Herefordshire where housing is relatively affordable and the county being a great place to live, work is underway on strengthening the recruitment 'offer'.

3.10.24 The interim findings from the Doncaster team have identified that morale is low in the IRO service. There is a stated 'culture outcome' in the judgement improvement plan to improve morale. IROs and other social workers are in very difficult profession. For instance, sibling separation, removing children from their parents, these are situations that are complex, often emotionally challenging and life changing decisions that are being made. There will always be criticism. The underlying point however is that all social workers are trying to deliver the best possible outcomes in an environment where appropriate balance needs to be found in highly complex circumstances. Giving the IRO service the tools to do the job. E.g. a clear dispute resolution procedure; strengthening communication between colleagues and departments will help to give them greater confidence that they are following process and taking the right decisions.

Are there more cases in the system that could attract the court's attention?

3.10.25 It was explained that all high risk cases are coming to a new review panel – in some instances case review is dealing with children who have been in the system for many years. These can be difficult to track as many of the staff involved have left the authority and in some instances case records are difficult to track. This work is identifying that, historically at least, questionable decisions have been made. As soon as these are identified appropriate action is taken.

3.10.26 Being proactive with court advice is also key. Listening and acting on that advice means that court proceedings can be avoided and concerns with cases can be addressed, openly and transparently, before they are seen by the courts. Being seen to respond to the courts helps to build trust on both sides – this is a culture shift that is being proactively pursued by the leadership team. It was also explained that a refresh of the working culture is being developed by the legal and children's service teams – there is proactive interrogation of cases on a collective basis. Both legal and children's services are able to build common understanding and narrative on case load. This in turn builds resilience in case management and team working.

In depth case study – an example of the value of case review.

In this particular case a young child – in a private arrangement – moved in with a family member. The council was aware of this arrangement but because it deemed it as a private arrangement, the council did not get any further involved at that stage.

The case came back to the council via the MASH process and assessment service when behavioural issues with the young child became apparent. Concern was raised around the risk of sexual exploitation. The young child began to move from family member to family member; the mother had sadly passed away a number of years earlier and the father is unwilling to take on his parental responsibilities.

The case was then transferred to the council's 16 + team. The team manager brought the case to the alternatives to care panel. This is where the young person was established to be at risk. The panel agreed to issue care proceedings and set up a timetable with actions that required following. Four weeks later, the case was in court and issuing care proceedings.

In reviewing the case at the review panel, it was seen that what happened in closing the case in 2016 was not best practice. The thinking was – at the time – it is best to let families become involved and provide their own care.

The CPO was asked to review the case. Areas were identified where we would do things differently if a similar case was presented to the team. The outcome of the review is that the learning on how to do things differently will be presented to the 16 + team manager and will be to the assessment team managers. This has led to a piece of work to identify others who may be at similar risk in the county. Where individuals are identified as being at risk of sexual or criminal exploitation these cases will be reviewed to ensure we are acting appropriately and our care for those children is fit for purpose.

Following a case review it was felt that the Judge would likely to be critical that the authority closed the case (in 2016). It would be likely that the judge would have advocated that support could and should have been given to the family member taking in the young child (in terms of guidance and financial support). For instance, the council could have gone to court to get a care order; could have encouraged the family member to apply for special guardianship and could have been offered support under Section 17 (6) Children Act, 1989.

This case study provides a good example of where learning from past cases is assisting us to avoid similar practices in the future before they have to go to court.

Culture Change Initiatives

3.10.27 It was advocated that the council needs to get better at 'constructively challenging' staff. This is what the IRO service is about – constructively challenging us all to ensure we are delivering the right outcomes. The culture of communicating – predominantly via email – needs to stop and people need to have more face to face discussions about the cases they are dealing with. Those discussions need to be 'child centred' and outcome focused. It was argued that social care can only operate where you have good working relationships with all relevant partners, and especially with Court and Ofsted advice. Courts can be critical of our plans, but we have to be open to challenge. Alongside this, there must also be feedback that recognises how valued staff, such as the IROs, are.

3.10.28 There needs to be a 'healthy challenge' and being open to hearing how we can do things differently, and learning from this. Putting that learning (e.g. Staffordshire edge of care service) in to action plans and then delivering better outcomes. It is not an adequate response to ignore advice. Being open to scrutiny is not always comfortable, but it is important from a leadership perspective, we should welcome challenge. This is very much the direction of travel being advocated by the current leadership team, and should be welcomed.

The recently updated whistle blowing policy.

3.10.29 It was noted that staff were reluctant to use the whistle blowing policy due to a passage within the policy that noted that if a case was found to be vexatious it would result in a disciplinary process for the complainant. It was explained that a new policy has been set out which allows complaints to be made anonymously. This means that it affords protection for those who do make a complaint. It also allows for a number of 'escalation' routes which enables staff to be confident that they can go to officers who do not have a perceived/predetermined viewpoint. It was noted that if staff are aware, or feel there is important information pertaining to a case, that is not following proper procedures they can raise their concerns safely.

- 3.10.30 The Signs of Safety is the social work practice model that will be rolled in Herefordshire, led by the principal social worker. This practice model will need to be pushed out to all social workers and training will be required across the authority. The Doncaster team has been very helpful in advising, noting the considerable amount of time it took (up to 2 years) to embed this practice model in their authority. It is a practice that is described as a golden thread embedded with local members, officers and external stakeholders, such as the police. It is intended that there will be a clear implementation plan, a timetable and an expectation that this is delivered.
- 3.10.31 Signs of safety will – it is hoped - allow all local partners to operate in a similar way, looking at protective factors for families. It was noted that it is unsustainable to continue to bring children in to LA accommodation, we need families to be more involved as part of the solution – signs of safety potentially give us the means to do this. It is expected that external partners will also be trained but in a proportionate way. It will be explained that responsibility (under working together) presents a joint responsibility for the safeguarding of children.

Resilience in team working and capacity.

- 3.10.32 It was felt that there is heavy reliance on key members of staff in both legal and children's services. The current structure was described as teams having a director, assistant director, heads of service and team managers – this does build in capacity if key staff are out of action for whatever reason. But the service, like any other, is vulnerable to single points of failure if key staff are off for any extended period of time. This is being addressed and work areas are being shared to ensure critical information sits with more than one person. It was noted that closer working practices are becoming more visible and common understanding is being built around what needs to be done across the service areas. It was noted that the new Cabinet Member is also demonstrating clear leadership and support for the service. The more open working culture was welcomed.
- 3.10.33 The T+F group queried as to the length of time it would take to achieve the outcomes set out in the various behaviour changes and action plans. It was suggested that 3 years would be about the timeframes to expect the changes to be delivered in. Behaviours take time to change in terms of standards/culture but there is confidence that staff want to do the best possible job. For example, escalation routes need to be clearly established to ensure senior management are involved at appropriate points in time. The service also needs to ensure there is coherent tracking of changes being introduced in case work, in a similar way to which scrutiny tracks its recommendations and outcomes.
- 3.10.34 It was highlighted that 'case progression officers' (CPOs) are highly valued in this regard. They make a real impact by having 'hands on' coordination of information. It was strongly argued that there are not enough CPOs to ensure this approach is more widely available.

How is the voice of children listened to in these cases?

- 3.10.35 It was explained that trying to plan for children is difficult when they wish to go back to an environment that isn't safe for them. E.g. at risk from sexual harm, neglect. In

listening to the views of children you must always consider this against the backdrop of the care vulnerable children may be in. Children ultimately love their parents and will want to be with them. Sometimes you cannot give the child what they want because of the overarching goal to protect them from harm.

- 3.10.36 The child's views are taken into account, but ultimately, the decision will need to be taken about what is the most appropriate care and course of action to be taken to deliver that care. Decisions are tracked and recorded - these decisions are open to auditing. The audit tool used highlights where the child's wishes have been recorded. It was explained that age of the child is a factor. It is likely that the views of, say a 15 year old child would be more closely listened to than say a five year old, on the basis of life experiences.
- 3.10.37 It was also noted that the bond between children and their parents can present some very challenging situations. A child can be subject to some witnessing some difficult behaviours such as domestic abuse or alcoholism. In a family setting where this is normal children often won't be able to understand why they need protecting. But clearly, in those situations, there is necessity to act.
- 3.10.38 Learning from the recent round table discussions with parents gives a clear emphasis on ensuring that families are listened to and are seen to be listened to in case notes. The outcome they are seeking may not always be deliverable but it is important that they see that their evidence has been evaluated as part of the decision making process.

4. Summary of the Task and Finish Groups Recommendations

The group considered the response of the Council to the judgements including new arrangements. The group was supportive of the action taken and the new arrangements introduced. Specifically – the group:

- Welcomes the clarity provided on adoption processes and placement orders the strengthened emphasis being placed on more joined up working on adoption processes and placement orders.
- Are reassured that the council has understood the judgements of the high court and are working on appropriate action plans to address the concerns raised. Importantly the group is confident that the solutions being put in place are the right ones. The group recognises that some of the actions will require time to deliver, such as the culture change initiative currently underway and the introduction of the sibling separation tool. The changes advocated by the Doncaster Children's Trust in respect to the IROs Service and strengthened reporting measures in MOSAIC are also to be welcomed;
- Wishes to return to the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) to explore their impact in regard to their influence over working practices and culture change within children's and legal services. It will also seek to assess the robustness of the processes in place to quality assure case management and has welcomed the proactive stance the leadership team has taken on making such information available.

- Is encouraged to see the consideration of how members could be part of a quality assurance process in terms of future case management; for example the number of children who would be adopted and in what timescales; information on performance in relation to plans for adoption and children who are then adopted and on care plans that need to change as a result of children not being adopted.
- Will wish to review and consider ways in which the voice of the child is being heard and welcomes the option to be presented with decision tracking and audit reports to assess how the service is accounting for the views in their decision making.

5 Summary of Recommendations

The T+F group wishes to place on the public record and acknowledge the very hardworking staff in both children's and legal services. The T+F group recognises that staff work in an environment where there are very complex and difficult choices and decisions to be made. We wish to thank them for their dedication in seeking to deliver the very best possible outcome for the children in our care.

From our findings, the task and finish group would like to make the following **15 recommendations** to the Children and Young People, the executive and to the head of paid services. The task and finish group asks that the Children and Young People's Scrutiny Committee give appropriate consideration to and seeks their agreement:

For the Children and Young People's Scrutiny Committee to consider:

- 1. The T+F group welcomes the introduction of quarterly audit reporting and the setting of clear targets for areas of improvement in children's services. The T+F group recommends that these reports inform and influence the Children and Young People's Scrutiny Committee work and are made available as briefing notes for the committee to review.***
- 2. The T+F group welcome the steps taken to outline the clear routes through which children can raise concerns about their care plans. The group recommends that the Children and Young People's Scrutiny Committee, as part of their work programming activity, invites the advocacy service and the care leavers group are invited to children's scrutiny to explain how care plans have recorded their views.***
- 3. It is recommended the Children and Young People's Scrutiny Committee work programme identifies scope to invite officers from the children and families directorate to provide a report on the outcome of the voice recognition technology for MOSAIC is presented to the children's wellbeing scrutiny committee.***
- 4. The T+F group also recommends that the Children and Young People's Scrutiny Committee work programme identifies scope in its future work programme to invite the leadership team to report back to children's scrutiny on their progress. Particularly in regard to the IRO service and legal team recruitment and cross team working.***

For the executive to consider.

5. ***The T+F group welcomes the practice measures being considered by the Doncaster Children's Trust in connection to Herefordshire's IRO services. The T+F group recommends that when the Doncaster report is complete a mandatory member briefing session is provided to explain the reports finding and actions.***
6. ***The T+F group wish to ensure that all councillors understand their responsibilities toward ensuring that all children in our care are given the best possible outcomes. The T+F group recommends that the induction and mandatory training for new and returning councillors places strong emphasis on children's safeguarding and their roles as corporate parents.***
7. ***The T+F group recommends that more case progression officers are recruited to children's services to ensure that case- loads are dealt with in a systematic way.***
8. ***Members who are selected to sit on children's scrutiny or adoption/fostering panels should ideally have interest and/or some experience in children's safeguarding. The T+F group recommend that members selected to sit on children's scrutiny are given specialist training in children's services and in scrutiny questioning.***
 - a. ***The T+F group also advocates bespoke training for members of that scrutiny committee to allow them to specialise in certain aspects of child care – such as adoption/fostering and LACs.***

For the head of paid services to consider:

9. ***The T+F group supports and welcomes the efforts to foster closer working relationships between social workers and legal services in preparing social workers for court procedures. It is recommended that the head of paid services sets out expectations for this closer working to be set out clearly in officers work plans (PPdPs) and is proactively encouraged by both the children's and legal heads of service.***
10. ***The T+F group welcomes the practice insight that has emerged as a result of the round table sessions noted in the Judgement Improvement Plan. It is recommended that the head of paid services ensures that evidence provided by prospective adopters and cared for children is properly accounted for in child permanence reports.***
11. ***It is recommended that the head of paid services ensures that there are routine reviews of the MOSAIC system in light of officer needs and technological advancements in software, with clear process and operator guidance notes provided to officers.***
12. ***Managers continually persist in the use of timely recording of cases on the MOSAIC system as noted in recent court judgements. The T+F group welcomes the potential this has to improve reporting. The T+F group recommends that the head of paid services sets clear performance measures in work objectives (PPdPs) for officers using the MOSAIC system and that this becomes an area of***

performance management for staff and managers if those measures are not being met.

- 13. The T+F group recommends that the head of paid services must be clear, with supporting cost benefits analysis evidence provided, on the impact of any proposed cuts to children's and legal services.***

- 14. The T+F group welcomes the proactive approach through which advice from the courts, high court judges and Ofsted is now being utilised to make improvements to children's and legal services. The T+F group recommends that head of paid services welcomes the 'healthy challenge' between the authority, it's oversight bodies and scrutiny is encouraged and built in to the culture of staff working, through their work plans and objectives. If accepted, the children's scrutiny committee would welcome sight of the objectives set out in staff PDPs.***

- 15. The T+F group recognise that there have been good improvements under the current leadership team – the judgement improvement plan, the Ofsted improvement plan and the authorities cultural values (particularly the amended whistle blowing policy) being clear examples of positive progress. The T+F group recommends that the head of paid services continue to prioritise embedding this 'culture change' and is given time to do this.***

Appendix 1: Children and Young People Scrutiny Committee

Court judgements relating to children and families Task and Finish Group – Scoping Document

Title of review	Court judgements relating to children and families
Scope	
Reason for enquiry	Two judgements by the High Court in December 2018 found that there had been historic failures in Herefordshire Councils in respect to two recent adoption cases and relating to the revocation of a longstanding placement order.
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> • Keep children and young people safe and give them a great start in life; and • Secure better services, quality of life and value for money.
Summary of the review and terms of reference	<p>Summary:</p> <p>The review will look at adoption processes and placement orders and the arrangements in place to ensure their appropriate use. The work will include reflections on cases and current practice.</p> <p>Terms of Reference:</p> <p>The task and finish group will conduct three meetings which will be held in quick succession. The meetings will be scheduled to enable to task and finish group to:</p> <ul style="list-style-type: none"> • develop an understanding of adoption processes and placement orders (Meeting 1); • understand the judgements of the high court and how they are being addressed (Meeting 1); • learn what new measures are in place (for example, the introduction of the sibling separation tool; changes advocated by Doncaster Children’s Trust in respect to the IROs Service and strengthened reporting measures in MOSAIC) to ensure the appropriate use of adoption processes and placement orders is consistently applied (Meeting 1) • examine how the wider corporate culture changes (such as the recently strengthened whistle blowing policy and our corporate parenting practices) are aiming to positively influence working practices and culture change within children’s service (Meeting 2) • assess the robustness of the processes in place to quality assure case management (Meeting 2); and • look at current case studies to ensure processes are being observed and processes and orders appropriately applied (Meeting 3) • consider how members could be part of a quality assurance process in terms of future case management (Meeting 3)

	<ul style="list-style-type: none"> consider ways in which the voice of the child is being heard (having regard for the age and understanding of the child(ren) in connection to adoption and placement cases) and what improvements could be made (Meeting 3). <p>Membership:</p> <p><i>To be confirmed at the Children and Young People Scrutiny committee on 4 February 2019.</i></p>
What will NOT be included	<ul style="list-style-type: none"> Evaluation of the actions of any individual officer at the council under historical admission to care arrangements.
Potential outcomes	<ul style="list-style-type: none"> To gain assurance that effective processes are in place to ensure the appropriate use of adoption processes and placement orders. More consistent use of children's and young people scrutiny in assessing performance and reporting on progress being made to strengthen current practices and culture around adoption and placement services
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> What are adoption processes and placements orders and when should they be used; What processes manage the appropriate use of adoption processes and placement orders; Are the processes being observed and orders appropriately applied? And, What training and staff development is underway to ensure that all staff dealing with adoption/placement cases have the appropriate skills and experience
Cabinet Member	Cabinet member – Children and Families
Key stakeholders / Consultees	Internal – Children and Families officers concerned with care arrangements for looked after children and legal officers.
Potential witnesses	Colleagues from Doncaster LA
Research Required	<ul style="list-style-type: none"> Cataloguing changes to working practices that are now in place, or are being brought in, following the court judgements Assessing how these practices are being applied in the work environments Outcomes of audits and case studies to present to the task and finish group.
Potential Visits	None
Publicity Requirements	Following the conclusion of the task and finish group to report back to the children and young people scrutiny committee.

Outline Timetable (following decision by the children and young people scrutiny committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	Committee meeting – 4 February 2019
Meeting 1 Develop an understanding of adoption processes and placement orders; understand the judgements of the high court and how they are being addressed; and learn what new measures are in place to ensure the appropriate use of adoption processes and placement orders is consistently applied.	February 2019
Meeting 2 Examine how the wider corporate culture changes are aiming to positively influence working practices and culture change within children's services; and assess the robustness of the processes in place to quality assure case management.	February 2019
Meeting 3 Look at current case studies to ensure processes are being observed and processes/orders appropriately applied; consider how members could be part of a quality assurance process in terms of future case management; and consider ways in which the voice of the child is being heard and what improvements could be made. Prepare Recommendations to scrutiny committee.	February 2019
Present final report to Children and Young People Scrutiny Committee	11 March 2019

Group Members	
Chair	Cllr Carole Gandy
Support Members	Cllr Chris Chappell
	Cllr Felicity Norman
	Cllr Mark McEvilly
	Cllr Alan Seldon
Support Officers	J Coleman M Evans Jennifer Preece

Appendix 2: RESPONSE TO CASE AB AND BT ACTION PLAN
PLAN OWNER:
SIGN OFF: Liz Elgar, Assistant Director Safeguarding and Family Support/ Chris Baird, Director for Children's Wellbeing

What is the issue?	What are we doing about it?	By When?	What is the desired outcome?
There was a general lack of management oversight of the planning for children.	The authority has recognised the need for management oversight and have created additional management positions in the form of Managing Practitioners.	<ul style="list-style-type: none"> The LAC team have had a (agency) Managing Practitioner in post since July 2018. 	<ul style="list-style-type: none"> Improve corporate parenting. Avoid drift and delay Ensure higher risk cases are periodically reviewed at a senior level. Embed better decision making and corporate parenting at all levels. Provide workers with the guidance and information necessary for the task. Provide information for members in their exercise of corporate parenting.
	The authority is taking steps to improve the IRO service as set out in detailed action plan held by the HoS Safeguarding and Review.	<ul style="list-style-type: none"> Action Plan signed off September 2018. Reported on monthly to DCS and AD's. 	
	The AD now chairs a panel every Tuesday that looks at cohorts of children for example those placed with parents or in kinship care. This will include children who are the subject of placement orders who will be reviewed on a 6-monthly basis.	<ul style="list-style-type: none"> In place since September 2018 	
	The legal department holds 6 monthly legal review meetings of all children under placement orders.	<ul style="list-style-type: none"> In place 3/1/19 	
Difficulty in social workers obtaining legal advice due to lack of staff within in legal department. Legal department having little oversight of cases once proceedings had concluded,	<p>Further efforts have been made at recruitment to legal services with the payment of market forces.</p> <p>A programme of recruitment has recruited three legal apprentices and the creation of a further post is being pursued.</p> <p>The remuneration of apprentices will be reviewed to reflect their progression</p>	<ul style="list-style-type: none"> 3.5 additional solicitors now in post one vacancy remaining. 15/02/19 15/2/19 	<ul style="list-style-type: none"> Social workers to consider the legal implications of decisions as they make them rather than after problems have occurred. To embed an understanding of court expectations within the organisation. To ensure the current improved access to legal advice is maintained.

			<ul style="list-style-type: none"> To provide a source of locally suitably qualified legal staff for succession.
Legal advice was being provided by Warwickshire legal department and was therefore dependent on advice being requested.	Improving recruitment so the work is retained in house.	<ul style="list-style-type: none"> 15/01/19 only one case out 	<ul style="list-style-type: none"> Better outcomes for children. Social workers making decisions and recording which are better for children. End of court criticism of the authority
Greater legal oversight of corporate parenting	Existing post within the team being redesigned and revaluated to implement the safety systems identified below and their effectiveness.	<ul style="list-style-type: none"> 31/1/19 	<ul style="list-style-type: none"> High risk cases to be visible within the system. Fail safe mechanism Deputy solicitor to council to have necessary support to enable progress made so far to be sustained.
	Review of adequacy of staffing in legal department dealing with this work to take place at 6 monthly interviews	<ul style="list-style-type: none"> 30/3/19 	<ul style="list-style-type: none"> Ensure good quality proactive legal advice is available to social workers. Provide additional feedback to senior management and members regarding corporate parenting.
The authority failed to follow the court plan to its conclusion. Divergence between the mosaic plan and court approved plan	Social workers will be instructed to file the court approved care plan along with any other documents for the LAC / Adoption review.	<ul style="list-style-type: none"> 4/2/19 	<ul style="list-style-type: none"> Improve planning for children Ensure court approved care plans are followed. Avoid delay and drift.
	IRO's have been instructed to consider the court plan when chairing LAC/ Adoption reviews and to confirm in the minutes they have done this.	<ul style="list-style-type: none"> 4/2/19 	
	Agree a process for ensuring the plan for the court is completed and saved on Mosaic	<ul style="list-style-type: none"> 4/2/19 	
Failure of reviews to properly consider the matters set out in section 1 of the Adoption and Children Act 2002	The agenda for Adoption Reviews has been amended to reflect that the review takes place in the light of the guidance, attaches the section and asks if the court approved care plan has been changed.	<ul style="list-style-type: none"> 4/2/19 	<ul style="list-style-type: none"> IROs will be given the tools to ensure adoption reviews consider all relevant matters. Adoption reviews will be effective and consider all relevant matters. Good practice will become

	Legal team will hold a training session for IROs on the use of the new agenda.	<ul style="list-style-type: none"> • 30/3/19 	<ul style="list-style-type: none"> • embedded within the authority. • Morale within the IRO service will improve. • A culture of challenge will be encouraged.
The LA failed to acknowledge significance of maintaining legal sibling relationship between BT and GT. The decision to separate the children was made by a manager (H27N) at a meeting prior to the LAC review on 11th April 2018 and approved at LAC review. The decision was poorly recorded on the Mosaic system and was not well reasoned and was equally based on an unwritten sibling assessment.	Herefordshire is introducing a sibling separation tool for managers to ensure the decision to recommendation to separate considers all relevant matters before it is presented to the ADM and is clearly recorded on the Mosaic system.	<ul style="list-style-type: none"> • 31/1/19 	<ul style="list-style-type: none"> • Staff will be given assistance to make these very difficult decisions. • The correct decisions will be made and recorded. • The authority's reasoning in cases will be clear and transparent.
The decision should have been ratified by the ADM following the review.	Where the local authority propose a change of care plan for siblings to be placed separately, this will be presented at panel prior to going to the ADM for final decision making. The completed sibling separation tool will be required at panel.	<ul style="list-style-type: none"> • 31/1/19 	<ul style="list-style-type: none"> • Important decisions will be taken at the right level. • Important decisions will be taken with all relevant information • Good practice will become embedded within the authority
The LAC Review 11 January 2016 failed to give proper consideration to placing the children in a long-term foster placement and revoking the placement order preferring the placement order preferring the placement order instead to search for separate adoptive placements.H20	Legal training to social workers regarding the matters to be taken into account when considering separating siblings and the use of the tool will be offered on an annual basis.	<ul style="list-style-type: none"> • 30/3/19 	<ul style="list-style-type: none"> • Better decisions will be made regarding the separation of siblings. • Decisions will be scrutinised. • Decisions will be properly recorded
	Sibling separation tool to be used as set out above.	<ul style="list-style-type: none"> • 31/1/19 	
	The six-monthly legal review will prevent decisions being made without ADM consideration.	<ul style="list-style-type: none"> • 3/1/19 	

<p>The authority accepts the Child Permanency Reports recorded on the system are confusing and it is difficult to establish what amendments were made when. The then Adoption Team manager amended the Child Permanency report and in particular section 9.5 dealing with emotional behavioural and social development in the initial CPR dated 19/12/14 on 10/06/16. The Adoption Team Manager deleted information rather than adding information in a different text. The authority accepts the Child Permanency Reports recorded on the system are confusing and it is difficult to establish what amendments were made when. The then Adoption Team manager amended the Child Permanency report and in particular section 9.5 dealing with emotional behavioural and social development in the initial CPR dated 19/12/14 on 10/06/16. The Adoption Team Manager deleted information rather than adding information in a different text.</p>	<p>The current practice is not to remove any information but to update information in a new font. This means that changes are recorded as changes rather than deleting previous information.</p>	<ul style="list-style-type: none"> • 3/1/19 	<ul style="list-style-type: none"> • Child Permanency Reports will reflect all aspects of a child since they were first prepared both current and historical. • Children who are subject of placement orders will be clearly apparent. • Better decisions will be made about the child's needs and the ability of any potential adopters to meet those needs. • Prospective adopters will have a better understanding of the child they are going to adopt. • Better adoption support plans will be prepared.
	<p>A new adoption file is created on the Mosaic system once the ADM ratifies a plan for adoption.</p>	<ul style="list-style-type: none"> • 3/1/19 	
	<p>The AD panel will review children under placement orders once every 6 months.</p>	<ul style="list-style-type: none"> • 3/1/19 	
	<p>The Adoption Review Agenda will ensure matters are given proper consideration making it clear they differ from LAC reviews.</p>	<ul style="list-style-type: none"> • 4/2/19 	
<p>IRO service did not oversee and challenge the actions of the local authority adequately especially regarding decisions about contact.</p>	<p>Doncaster have been commissioned to provide a review of the IRO service</p>	<ul style="list-style-type: none"> • 26/2/18 	<ul style="list-style-type: none"> • Improvement in corporate parenting. • Establish strengths and weaknesses of service • Identify what is needed to make

<p>b. The IRO chairing the LAC review did not ensure the sibling assessment had been written up when the meeting ratified the decision to separate the children.</p> <p>c. The IRO did not request sight of the sibling assessment. IRO service did not oversee and challenge the actions of the local authority adequately especially regarding decisions about contact.</p> <p>b. The IRO chairing the LAC review did not ensure the sibling assessment had been written up when the meeting ratified the decision to separate the children.</p> <p>c. The IRO did not request sight of the sibling assessment.</p>	<p>A more effective escalation process is in place, and has been shared with all IRO's. its use is audited by the HoS Review and Safeguarding on a regular basis.</p>	<ul style="list-style-type: none"> • 3/1/19 	<ul style="list-style-type: none"> • necessary improvements • Share practice from other respected areas • IRO oversight of cases. • More effective challenge of decision making • Adoption reviews consider all relevant matters. • Good practice becomes embedded.
	<p>Adoption Review Agenda has been amended as above to make sure the Adoption Review considers all relevant matters.</p>	<ul style="list-style-type: none"> • 3/1/19 	
	<p>All IROs have been provided with Legal Guidance for Independent Reviewing Officers on Challenging Decisions of the Local Authority by email and in a laminated hard copy</p> <p>Assessment of whether siblings are placed together or apart will be required by the IRO prior to any decision regarding separation of siblings being agreed.</p>	<ul style="list-style-type: none"> • 3/1/19 	
<p>Failure to disclose all relevant documents until second day of hearing</p>	<p>Recruitment of additional legal apprentice being considered</p>	<ul style="list-style-type: none"> • 15/2/19 	<ul style="list-style-type: none"> • Full disclosure to be provided in a timely fashion • Staff to have more time to review client documents and ensure all disclosure has been provided.
	<p>Six monthly reviews of staffing levels and workload in legal team</p>	<ul style="list-style-type: none"> • 30/3/19 	
	<p>Existing post within the team being redesigned and revaluated free time for Deputy Solicitor to Council to monitor disclosure.</p>	<ul style="list-style-type: none"> • 31/1/19 	
<p>A number of social work practice and management issues have been identified where practice fell below acceptable standards of practice.</p>	<p>"round table" learning discussions are being held on both cases with relevant persons who were involved, to identify individual learning</p>	<ul style="list-style-type: none"> • First held on 19.12.2018 • Second arranged for 16.1.2019 • Learning to be discussed at CMM 30.1.2018 	<ul style="list-style-type: none"> • Learning from these cases will prevent further poor practice detrimental to positive outcomes for children.

