

Meeting:	Children and young people scrutiny committee
Meeting date:	Monday 25 November 2019
Title of report:	Update on reducing the number of looked after children (LAC)
Report by:	Director of Children and Families

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To provide an update and review progress towards delivery of the Looked After Children Reduction strategy. To report on areas of progress, delay, and future planning.

Recommendation(s)

That:

- (a) the committee review progress made in delivering the looked after children's reduction strategy and determine any recommendations it wishes to make to the executive regarding action to secure further improvement.**

Alternative options

1. There is no alternative to the recommendations, it is a function of the committee to make reports or recommendation to the executive with respect to the discharge of any functions which are the responsibility of the executive.

Key considerations

2. The looked after children strategy was detailed in the Children's Wellbeing MTFs (medium term financial strategy) update report; looked after children, written in September 2017. It went to cabinet member briefing on 7th November 2017 as part of the budget discussion (Appendix 1). Following this there was a series of meetings of scrutiny members considering looked after children cost reduction, and reported to the committee on 29th November 2018.
3. The purpose of the report was to outline measures to be taken to reduce Herefordshire's disproportionately high number of looked after children. In September 2017, there were 308 looked after children. To have been in accordance with statistical neighbours the number of looked after children would have been 215 (list of statistical neighbours and regional neighbours in appendix 2)
4. From 2014 to date, the number of looked after children has risen, and continues to be disproportionality higher than both regional and statistical neighbours.
5. At the end of October 2019 the number of looked after children in Herefordshire stood at 350, 95 children per 10,000. To be in accordance with regional neighbours Herefordshire's looked after population would be approximately 78 children per 10,000, giving a number looked after children of 282. At present, Herefordshire's number of looked after children is 68 above this.
6. To be in accordance with statistical neighbours where the looked after child rate on average is 53 per 10,000, Herefordshire's looked after child rate would be 191. Herefordshire's looked after child population is 159 above this.
7. Attached to this report is data as to Herefordshire's performance in numbers of children entering and exiting care against statistical and regional neighbours from 2014 to the point comparator data is available. (Appendix 3). This report shows that every year from 2014 for which comparator data is available Herefordshire had more children entering the looked after system than both regional and statistical neighbours. It also shows that every year in Herefordshire up to 2018/19, more children have entered the looked after system in Herefordshire than have exited.
8. The desired outcome of the work contained in the report of September 2017 has not been achieved. The activity to reduce looked after numbers was outlined as follows:
 - To support the delivery of MTFs savings social workers and their managers have identified 80 looked after children subject of a care order for whom an alternative permanence option through reunification or Special Guardianship Order (SGO) *may* be the most appropriate outcome. Both options involve completing an updated assessment to recommend the most appropriate care plan for the child, ratifying this decision at a multi-agency LAC review, agreeing the SGO/reunification plan, making an application to Court and proceedings to determine the outcome. Detail of steps to be taken to achieve this was then outlined in the report.
9. Achievements made as outlined in the September 2017 paper are as follows;
 - Assessments of the children identified in the cohort of 80 have been completed
 - Additional staff were successfully recruited to achieve this
 - Special Guardianship is now considered at an earlier stage in planning for children due to the promotion of SGO as a viable option to secure permanence for a child.

10. Certain barriers to achieving permanence for children via court ordered Special Guardianship orders were identified during the work undertaken with carers. These were the practical difficulties some carers experienced in organising and supervising contact between the children in their care and the children's parents, and the financial disincentive faced by carers in becoming special guardians.
11. These barriers have been addressed by expanding the contact service to enable contact to be facilitated by contact workers. This commenced in August 2018, and by the Council decision for payment to special guardians to mirror that of payment to foster carers. Both of these are seen as very positive steps in promoting special guardianship.
12. At the start of this work, there was one team manager in the looked after children service, and it became evident this was inadequate to manage both this strand of work and the other work entailed in meeting the needs of all children within that service area. To address this, the management capacity in the looked after children service has been expanded to accommodate a second team manager, who took up post in July 2019.
13. It still remains the objective within children and families to reduce the number of looked after children, where it is safe to do so, by examining alternative options for them. To enable a much more comprehensive review of children who are looked after, they have been broken down into cohorts as follows;
14. As at 9 October there were 350 looked after children; and a piece of work has been completed to group them into categories;
 - 30 children have been looked after for less than 12 months, and therefore their planning is still in progress so they have not been included in this process;
 - 92 children have a permanence plan agreed (not adoption) and are long term matched, meaning their long term permanence has been secured and their plans at this stage are not being reviewed.
 - 46 children we are pursuing special guardianship orders, these applications are at different stages with some applications being progressed by our legal department and others requiring a child and family assessment to determine if a special guardianship order is in the child's best interest. There is a clear timetable for each of these 46 children which is being overseen by bi monthly meetings, which commenced in July 2019, chaired by the assistant director safeguarding and family support.
 - For 13 children, we are pursuing reunification to a parent or member of the child's extended family or network. Progress is overseen in the bi monthly meeting referenced above.
 - 19 children are living at home under Placement with Parents (PWP) regulations. These children are subject to care orders made by the court, so have at some point met a threshold of significant harm. In these cases we are pursuing or are likely to pursue a revocation of the care order. These too are overseen in the bi monthly meetings referenced above.
15. We have a number of children where the likely plan proposed is adoption. 17 children with a placement order, of which 5 are not yet placed for adoption. We have 21 other children where we are in care proceedings or already have a care order where the

potential plan is adoption, but are awaiting confirmation of a final decision from the court process.

16. This leaves a cohort of children who whilst looked after do not have a long term match and who do not have a plan for adoption. To review these cases a number of challenge sessions have been arranged, commencing 25th November, to ascertain the most appropriate outcome for each child. The numbers are as follows:
 - 29 children within AC team 1,
 - 47 children within LAC team 2,
 - 24 children within the 16+ team
 - 12 children within the Children with Disabilities team.
17. Each of these children's circumstances are being reviewed against a series of questions to ascertain if consideration should be given to a plan of reunification. The questions against which each child's circumstances are being considered is detailed in Appendix 4.
18. Reducing the number of looked after children by enabling children to exit the looked after system where it is safe and appropriate to do so is one element of the approach required. The other is to ensure all steps are taken to enable children to live within their family network and ensure children do not become looked after until all viable options have been considered.
19. To this end, considerable extra resource has been deployed into the Early Help service, to enable children to receive a service at the earliest opportunity, to prevent problems escalating. The numbers of early help assessments have risen month on month for the past ten months, evidencing intervention at this early stage.
20. 15. Alternatives to care panel was established in September 2018, which reviews all cases where a child may need to be looked after, either via Section 20, or via issuing care proceedings and placing the issue before the court to seek an interim care order. Whilst this has not impacted on the reduction of numbers of looked after children as a whole, this has reduced the number of children looked after under Section 20, and is ensuring any child accommodated under S20 is regularly reviewed with legal input into that review.
21. The Panel is also ensuring only in cases where it is evidenced that a child is at risk of significant harm and that threshold has been established are care proceedings initiated. Legal advice is sought on this via legal attending panel in every case. A review of all 33 children becoming looked after during the months of August, September and October 2019 has been completed. 27 of these children (81%) have been looked after following issuing of care proceedings and the court making an interim care order having been satisfied the threshold of significant harm has been met. 2 children are section 20 accommodated, but we now intend to issue care proceedings as we cannot be assured of their safety and wellbeing should they return to their family home and there are no extended family who can offer a viable alternative, despite effort to achieve this. 2 children remain S20 accommodated with a plan of returning to the family home, 1 child is an unaccompanied asylum seeker.
22. Following the court granting an interim care order, an Initial permanency planning meeting is convened and chaired by the case progression officer at the earliest opportunity to consider all permanency options for the child/ren. During this meeting all kinship carers who may be able to care for the child should return to the birth parents not be viable are identified and assessment can begin, with special guardianship considered

as a viable option at this early stage of planning. A review permanency planning meeting is then held to ensure all plans are on track and care planning taking place effectively to avoid any drift and delay. The impact of this should be seen within the next three to six months as these cases approach final hearing.

23. Plans are underway to establish a third assessment team and to “shift” the family support team to this part of the service to offer intensive family support to children and families at the Child in Need level of intervention, to prevent escalation to child protection, a key element to this will be the embedding of family meetings to work with families at the earliest opportunity to identify support networks within families, and identify support services within communities to enable children to remain, where safe to do so, within their families and communities.
24. Approval has been given for the establishment of an edge of care service to work with families at the point of crisis to avert a child/young person being accommodated, and to work with families’ to enable children to return home in the instance they have been accommodated for a short period of time, or in that circumstances have changed for a child looked after for a lengthier period of time and reunification is a safe and feasible option.
25. Signs of safety, has been agreed as the social work intervention framework to be adopted across the county. The roll out of this commences in December 2019, the desired impact is that it will enable work with families, embed a strengths based approach across all agencies and partnerships, and focus on relationship based practice to facilitate children being brought up within their family networks where safe to do so.
26. We have recently started working with Essex County Council as performance improvement partners, authorised and supported by the Department of Education, who have completed a diagnostic of Herefordshire’s court and child protection service. Essex, as an outstanding authority who practice relationship based approach, will assist in reviewing Herefordshire practice, developing a strengths based approach, and establishing action plans to improve performance. Plans for their further involvement in assisting Herefordshire to develop services and intervention is currently in progress.

Community impact

27. In accordance with the code of corporate governance Herefordshire Council must ensure that it has an effective performance management system that facilitates effective and efficient delivery of planned services. The council is committed to promoting a positive work culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
28. It is a council priority to ‘keep children and young people safe and give them a great start in life.’ The delivery of the corporate parenting strategy contributes to the council achieving its ambitions in key strategies within the corporate plan, health and wellbeing strategy and children and young people’s plan.
29. A priority within the Corporate Parenting strategy is to reduce the number of looked after children recognising that Herefordshire’s numbers of looked after children in care is too high. This would enable resources to be focussed upon those children who need to be in care and enable those that do not need to be in care to enjoy family life without intervention from social workers.

Equality duty

30. 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.
31. 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. As this is a progress report, we do not believe that it will have an impact on our equality duty.

Resource implications

32. None associated with the recommendation. If the committee determine any recommendations the executive will consider the resource implications of implementing these when formulating their response.

Legal implications

33. None associated with the recommendation. If the committee determine any recommendations the executive will consider the legal implications of implementing the recommendations when formulating their response.

Risk management

34. Children should only be looked after when this is in their best interests and the risks justify the level of intervention by social care. The impact for children of being looked after outside of their family when they could be supported to live with their family is profound as is the long-term involvement of social workers.
35. The annual cost of looked after children is significant with an average cost per annum of £51,000 for each child. Therefore ensuring that the right children are looked after is critical. The costs of children being looked after can vary considerably, dependent on whether a child is placed in in-house fostering, independent fostering services via a fostering agency, or in a residential setting. High cost of placement for looked after children presents a risk to both budget setting and budget management.
36. There is a risk that, in maintaining children at home in neglectful and unsafe circumstances, children can suffer significant harm. The need to maintain children at home must be balanced against their safety both immediately, but also in the long term.

Consultees

- None

Appendices

Appendix 1 – Looked after children report September 2017

Appendix 2 – Regional and Statistical Neighbours

Appendix 3 – Update on reducing the number of looked after children comparisons

Appendix 4 – Challenge session LAC review questions

Background papers

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Special Guardianship Order (SGO) – A public law order made under the Children’s Act 1989 for children who cannot live with their birth parents and who would benefit from a legally secure placement.

Section 20, Children’s Act 1989 – Section 20 of the Children’s Act sets out how a local authority can provide accommodation for a child within their area if the child is in need of it.

Edge of Care – Service targeted at providing an intensive package of support to families in order to change their lives to avoid the need for costly statutory intervention where possible.

Reunification Plan – A plan to return a looked after child to the family.

Permanence Plan – A plan to provide a secure, stable and loving family to support children through childhood and beyond.

PWP Regulations 1991 – These regulations provide for the accommodation of children in the care of the local authority with a parent, person who is not a parent but who has parental responsibility.

Care Order – An order which places the child under the care of the local authority.

Kinship Carers – Kinship care can be in any situation where a child is living full-time with grandparents or another relative.

Signs of safety – An integrated framework that sets out how to carry out child intervention work.