

Supplement to the agenda for

Council

Friday 18 January 2019

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

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Agenda item no. 3 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mr Barrington, Hereford	Can the council indicate what disciplinary action will be taken against individuals criticised in Judge Keehan statement?	Cabinet member finance and corporate services
<p>Response: The council is currently undertaking its own learning review of what has taken place on both cases and, alongside this, specific externally-led reviews are already underway or being put in place. Appropriate action will be taken on the conclusion of these reviews, in accordance with the council's HR procedures, any relevant professional body requirements, and the law.</p>			
PQ 2	Ms Coda, Peterchurch	The Keehan judgements against Herefordshire Council are the latest examples of problems, including long standing difficulties in recruitment and retention of social workers, within our social services. In light of this history can councillors demonstrate that Herefordshire Council is a 'fit' body to run and improve our social services, particularly those that serve children?	Cabinet member children and families
<p>Response: The council is committed to maintaining high standards of conduct by its staff and councillors and has adopted a set of values that underpin its work, and which include commitments both to strive for excellence and the appropriate quality of service, care and life in Herefordshire, and to be open, transparent and accountable. These are not bland statements but guide how we work. Where things go wrong, we are open about the fact, and take action to understand the causes of any problem or failure, as well as what we need to do to make things better. We welcome challenge and seek to learn, not only from our own experiences, but also those of other councils across the country.</p> <p>There has been and is a lot of good work carried out by Herefordshire Council children's services. Ofsted's inspection of local authority children's services in Herefordshire in June 2018 highlighted a number of areas of work where this is the case, as well as areas for improvement. We regularly invite challenge from peers through the Local Government Association and the 2018 corporate peer challenge found that as a council we had an appetite to learn, a desire to improve, and an awareness of key areas for change. It also noted that a range of externally supported arrangements have been put in place to assist our improvement journey.</p> <p>Performance for children and young people is regularly reviewed, challenged and reported publically, and demonstrate that improvements have been made in a number of areas. In 2017 we strengthened the capacity of our scrutiny function enabling a greater focus to be given to our work with children and young people. This rigorous approach to performance will continue.</p> <p>The problems of recruitment and retention highlighted in the question are by no means unique to Herefordshire. There are national and regional issues in recruitment (in 2018 it was reported that there were 110 children's social worker vacancies in the West Midlands that were not filled either by agency or permanent employees). Herefordshire faces further difficulties given its location and infrastructure.</p>			

Improving recruitment and retention can't be solved by a 'quick-fix'. Herefordshire Council has a good record of recruiting and supporting newly qualified social workers who are often enthusiastic, hard-working and committed but need extra support. Caseloads have reduced with the use of agency workers. This should make the retention and recruitment of employed staff easier in the shorter term, but use of agency workers does not come without its own challenges. We have recently put in place additional retention and recruitment incentives for posts such as social workers where it is difficult to recruit and retain the staff that we need; we will continue to keep this under review. Our fundamental approach is to "grow our own" and keep them, recognising that this will take a number of years.

PQ 3	Name and address supplied	There appears to have been or is a culture within Children's Services of Herefordshire Council of "misleading" judges etc; what has the council done about this?	Cabinet member children and families
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Response:
 There is no evidence to suggest that there has been a culture of misleading judges. The AB case was taken to court by officers to allow the court to discharge the order rather than letting it lapse. This ensured that the court had oversight of the matter. This question has not been raised by judges themselves, nor by Ofsted or the Local Government Association following external inspections or reviews they have carried out. Many cases over a number of years have been before the courts and agreed without issue. Mr Justice Keehan made comments about specific cases and on practice, including noting the "open and forthright manner in which they [the Director for Children and Families, and the Assistant Director Safeguarding and Family Support] have responded to the diverse criticism made".

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PQ 4	Dr Whalley, Hereford	The judgement by Mr. Justice Keehan referred to Herefordshire Councils "litany of errors", "lamentable and astonishing failures", "dreadful and irrational decision-making" and this has left Hereford citizens with some very real concerns about the nature of the "root and branch" reforms that the Director committed to carrying out . Precisely how have the issues raised in his report of poor supervision, excessive workloads, weak oversight, lack of grip and poor decision making been addressed?	Cabinet member children and families
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Response:
 In his judgement, Mr Justice Keehan gave his view that he was reassured by the senior managers' expressed commitment to a root and branch reform of children's services in Herefordshire and a commitment to ensure that far more robust systems are in place to ensure compliance with good social work practice.

That commitment is being realised through actions that had already been put in place prior to the judgement and further actions that are in hand, some of which will not be 'quick fixes'. The report on the agenda today sets out those actions. Cabinet has approved additional funding and we have increased the number of social workers (primarily through the use of agency staff in the first instance but with plans to create a more sustainable permanent staff base), business support, early help workers and management posts to provide more capacity for staff to carry out their roles. We have introduced a range of performance reports that managers are now using on a weekly basis to check on some performance areas. These are reviewed at an assistant director/heads of service meeting and then by the whole directorate leadership team once a month. Closer scrutiny of decision making is taking place, including through panels established by the assistant director and supported by legal services.

We are not closed to any further suggestions and if you have particular concerns about the reforms being made or proposed I or the senior managers would be pleased to meet with you to hear those concerns, and any suggestions for further improvements that you may wish to propose.

PQ 5	Ms Dean, Hereford	The findings state that <i>'In the autumn of 2008 Children's services in Herefordshire moved from paper files to electronic records. It was not discovered until January 2016 that the placement orders made in respect of both children had not been recorded on their electronic record'</i> . Has a full audit of all records been undertaken to ensure that no other records are inaccurate or missing?	Cabinet member children and families
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Response:

Over the past ten years the council's children's safeguarding services have worked with more than 7,000 children and it would not be practicable to audit all these cases. We have carried out specific case record audits, including those relating to children under placement orders, and are continuing a risk based programme of reviews, prioritising our work on current cases and, within that, cases that may come before court or where we may need to review our approach as corporate parents.

Agenda item no. 4 - Questions from members of the council

Question Number	Questioner	Question	Question to
MQ 1	Councillor CA Gandy, Mortimer	What effect will or has there been following these two court cases, which have come so soon after the S20 cases, on the retention and recruitment of social workers in Herefordshire?	Cabinet member, children and families
<p>Response:</p> <p>We have no evidence to date that retention and recruitment of social workers in Herefordshire is being affected by the court cases.</p> <p>Many social workers take their work very seriously and feel deeply about it. There is a desire amongst our staff to do a really good job for children and young people and this has been evidenced whenever Ofsted or external reviews take place. The council has put in an increased retention offer over the last six months and also improved its package to attract permanent staff. This continues to be kept under review.</p> <p>Experience from other councils who have received adverse publicity shows that a demonstrable willingness to learn from mistakes made and make changes helps to achieve more speedy progress in improvement thus making recruitment easier. That said, the national challenges around the social care workforce supply, taken together with the particular Herefordshire challenges of location and infrastructure mean that recruitment and retention of social workers will require sustained focus and action.</p> <p>As the chair of the children and young people’s scrutiny committee I know that you and your committee members have given really valuable challenge and suggestions to our plans for improvement following the section 20 cases and your input is reflected clearly through our action plans. I very much hope that this welcomed input will continue.</p>			
MQ 2	Councillor BA Durkin, Old Gore	What assurances can the cabinet member children and families provide, going forward, that the new management team will deliver on their assurances to prevent any repetition of the lamentable shortcomings illustrated in the decision of this hearing?	Cabinet member, children and families
<p>Response:</p>			

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I can provide a number of assurances that the commitments made, and recognised by Mr Justice Keehan, to reform children's services and ensure far more robust systems are in place to ensure compliance with good social work practice are being delivered.

A number of actions have already been implemented as detailed in the report before Council today; these include:

- a) The Assistant Director Safeguarding and Family Support chairing a weekly Placement Panel that reviews individual child cases and also looks at cohorts of children, for example those placed with parents or in kinship care. This includes children who are the subject of placement orders whose cases will be reviewed on a six-monthly basis.
- b) The agenda for Adoption Reviews has been strengthened to reflect that the review takes place in the light of the guidance set out in section 1 of the Adoption and Children Act 2002 to establish if the court approved care plan has been changed.
- c) The legal department holds six-monthly legal review meetings of all children under placement orders. This should ensure that decisions are not made without Adoption Decision Maker (ADM) consideration.
- d) A sibling separation tool is being introduced for managers to ensure the decision to recommend to separate considers all relevant matters before it is presented to the ADM and is clearly recorded on the Mosaic system. The completed sibling separation tool will be required at panel.
- e) Changes have been made to the way electronic case records are updated so that changes are visible as changes rather than deleting/replacing previous information.
- f) The Independent Reviewing Officer (IRO) service has been strengthened by increasing management oversight and implementing robust processes to ensure any concerns of the IRO are raised and appropriately responded to. An externally led review of the service, as part of our work with Doncaster Council, is underway.
- g) All IROs have received, by email and in a laminated hard copy, legal guidance for IROs on challenging decisions of the council. The guidance makes it clear that the individual IRO is personally responsible for activating the dispute resolution process. A clear expectation has been communicated to IROs to record their work, including any dispute resolution concerns and activity. A more effective escalation process has been put in place.

Additionally a learning exercise on the cases is underway. The wider learning will be reported to members, and taken to all staff. We will adopt this approach for any cases in the future that we need to get a clear understanding on the presenting issues, what may have happened in the past, and what may need to change in terms of current practice.

We have an Ofsted Improvement Plan that details a range of actions that children and families scrutiny will review, we will also review progress and what more needs to be done at the members performance challenge sessions. Ofsted will also receive reports on progress and every year Ofsted will formally inspect services either through focused visits, joint targeted area inspections or inspections of local area children's services.

Our local senior Judge HHJ Plunkett meets with the Director, Assistant Director and Deputy Solicitor to the Council every three months and he has commended the efforts the council are making.

Assurance on delivery of improvement action and performance standards will continue to be subject to regular challenge from senior management and members at an operational level, through the regular directorate performance challenge sessions and the corporate performance reporting process.

We will never be able to give a guarantee that poor decisions and practice will not occur again, but we will continue to improve the system and drive up standards consistently, and I would ask all members to continue to actively engage in providing constructive challenge and support to this process.

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MQ 3	Councillor RI Matthews, Credenhill	<p>“The IRO’s primary focus is to quality-assure the care planning and review process for each child, and to ensure that his/her current wishes and feelings are given full consideration. To be successful, the role must be VALUED by senior managers and operate within a supportive service culture and environment. An effective IRO service should enable the local authority to achieve improved outcomes for children”</p> <p>Are we providing a supportive service, culture and environment, and are our IRO’s being fully valued by senior management?</p>	Cabinet member, children and families
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Response:
 Senior managers do value the IRO service. We have increased management capacity to provide additional support and oversight. We have provided a clearer escalation policy that values the views of IROs. We have an improvement plan in place for this service as part of our overall Ofsted improvement work; this work will not only secure operational improvements, but ensure that the work of the service is appropriately recognised. Doncaster Children’s Trust are currently undertaking a review of the service and how it is supported within the council; this will inform future improvements.

MQ 4	Councillor NE Shaw, Bromyard Bringsty	The LGA have reported that 86% of children's services nationwide are over budget. Ours is no exception. To what extent do you consider that resource constraints forced by budget cuts may have contributed to these cases arising?	Cabinet member, children and families
<p>Response:</p> <p>Like other councils, Herefordshire Council has had to make significant cuts over the past ten years and more. Alongside the cuts, costs and demand in relation to looked after children and care leavers has risen. At times the council has had to employ agency workers and these do cost more and carry additional challenges in ensuring our children receive stable and consistent social worker support. Additionally there are increased costs to delivering services across a large rural area. In retrospect some of the cuts in staffing meant that some areas of service were under pressure because of increased demand and the level of work that the service was already undertaking.</p> <p>That said, Herefordshire is now in a better financial position than many councils overall and, recognising in 2018 that children's safeguarding and family support services and legal services for children needed to be prioritised, Cabinet made additional resources available to increase capacity for workers and managers. The Ofsted inspection carried out in June 2018 and the Local Government Association peer reviews also reflected that to help improve services we needed to invest more in the right capacity for support workers, social workers, management and leadership. This is continuing into budget setting for 2019/20.</p> <p>It is important to understand though, that resource and capacity are not the only contributing factors in these cases. We need to have high quality staff, who have the tools, training and supervision and support to carry out their work effectively and a performance culture to deliver and manage the improvements we have identified so that our looked after children have the best start in life.</p>			