

Supplement to the agenda for

Council

Friday 21 October 2022

10.00 am

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
0LE**

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

Question Number	Questioner	Question	Question to
PQ 1	Name and address supplied	<p>My question is about the Herefordshire Children’s Services.</p> <p>What is Herefordshire Council/Children’s Services going to do about the children that have increased court ordered contact with their abusive parent after advice from the social and family worker? As you are aware family court follows the social and family workers advice against the safe parents advice of supervised contact.</p>	Cabinet member children and families
<p>Response: Thank you for your question. Legislation and statutory guidance are clear that decisions made by Judges within the family courts have to be made by considering what is in the best interest of the child, including with regard to matters of family time (contact). In order to come to such decision, the courts receive evidence from all parties including parent(s) and the Local Authority. Additionally, within family courts, children are independently represented by a Guardian who also provides evidence to assist the Judge in making decisions. The role of the Guardian is to review the Local Authority’s care plan (including contact arrangements) and to make sure that Local Authority arrangements and decisions for and about children protect them, promote their welfare and are in the child(ren)’s best interest.</p>			
<p>Supplementary Question: I do feel that my question is not answered. So I would like to submit a second question please. Can you please confirm that:</p> <p>A - Herefordshire council is not going to look into past cases to make sure that the right advice has been given by Children’s services to family court Or B - Herefordshire council is going to look into past cases to make sure that the right advice has been given by Children’s Services to family court.</p> <p>Please bear in mind that not every case in family court children have a guardian to review the advice given to family court.</p>			
<p>Response to supplementary question (cabinet member children and families): Thank you for your question.</p> <p>It would be very difficult for the Council to consider each and every past case to determine whether the right advice was given in any particular case. Where there are particular issues that the Council is aware of they will, if appropriate, consider what options are available taking into account any legal advice.</p> <p>By way of context, Children’s Guardian are allocated on all public law cases, they are not allocated on all private law cases. The local authority are not a party to private disputes and do not receive all court documentation including final orders.</p>			

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Court ordered contact is determined by the Family Court based on evidence directed to be filed and upon which the court will determine the disputed issues, evidence submitted on behalf of the local authority is one piece of evidence the court will consider when determining a matter and is not of itself determinative.

Where children are known to the local authority, it complies with its statutory duties.

PQ 2	Ms Currie, Hereford	<p>Where staff (past and present) are identified as having made mistakes or kept information out of official reports to support objectives sought by the local authority, will the Council be referring matters to the police, regulators and/or taking dismissal steps for gross misconduct? Will line managers be held accountable for either allowing this practice or failing to challenge staff on reports submitted? Withholding information e.g. failing to document kinship carer offers that are not SGOs and share internally and externally prevents natural justice from being achieved and is a form of fraud/misfeasance of public office. This behaviour undermines public confidence in the service and brings the organisation as a whole not just the department into disrepute.</p> <p>Children that have been adopted where failures are identified can make civil claims against the council how will you be making the children aware?</p>	Cabinet member children and families
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Response:
Thank you for your question. All allegations against staff are taken seriously. Where there is evidence of misconduct or gross misconduct we will follow our HR procedures, making a referral to the relevant professional body and or external agencies as necessary.

Where failures are identified and adopted children are involved, they will be contacted and supported through either Adoption Central England or through our own Adoption Support team, depending on the circumstances.

Supplementary Question:
Staff that I am prohibited from naming as part of this meeting have left before complaints were made and resolved to allow HR action to be taken. Some were locums. All presumably are working for other organisations and pose the same foreseeable risk to those and future organisations and children and families, yet I am no clearer as to what the local authority is doing about those individuals.

Respectfully I'm afraid allegations are not taken seriously and are only heard too late. The judge in my son's case said he completely understood my feelings towards the local authority relating to the example in my initial question and yet complaint findings fail to accept any responsibility or accountability. As a parent you feel unheard. This is exactly the reason the department is in the state it is in today.

Care plans have to conclude with recommendations for permanency within a statutory 26 weeks. This means there is no time for parents to make any changes recommended by social workers unless that time is offered by a family member. What good is that when it is not documented, then when mistakes are identified the social workers do not return contacts including their line managers, instead actions to continue to prepare a child for adoption causing the kinship placement to breakdown due to a loss of faith and confidence in the service.

Please advise specifically what support is being offered to ALL impacted by these decisions including the children and families left broken and let down by these failures. And specifically whether the local authority plans on seeking to revoke adoptions on behalf of birth families.

Response to supplementary question (cabinet member children and families):

Thank you for your question. I understand how emotional these issues are and I agree that recording of documentation is absolutely essential.

The Council has limited powers over those that are not formally employed by or have a contract with the Council. Where the Council determines that there is clear evidence of wrongdoing they will provide that evidence to relevant authorities for them to consider whether there is any action they need to take.

I want all families let down by the service to contact us and to have the opportunity to be heard and I will be providing a written response to your question which will be published.

I completely understand how emotional these issues are and how important they are. It is very complex and sensitive particularly when we get into HR matters and I want to give a clear answer so I will provide a written response.

Written response sent on 13 October 2022:

Where there are serious and substantiated concerns about former employees then the council will always consider alerting the professional registration body, or the current employer (where the employer was known) and decisions would be made on the specific circumstances of each individual case.

Members of the public are able to raise concerns about an individual social workers professional conduct directly with the professional registration body, Social Work England. Link: [Home - Social Work England](#)

We are sorry that you have felt unheard. Court timescales are led by the Court and a national framework (the Public Law Outline). In exceptional circumstances, the courts will permit proceedings to take longer than 26 weeks and will listen to representations from the family, from the child's guardian, and from the local authority. Solicitors acting for the family can advise.

Support for families affected by the outcome of family court proceedings might come from a range of sources, including family and peer support groups, the voluntary and charity sector, the local authority and other agencies. We recognise the need as expressed in the question to advise on the range of support available and have begun developing a page for our website that will provide a signpost for families.

There are no plans to revoke adoption orders at this time but we will always look at the individual circumstances of a specific case before reaching a conclusion. Families are also able access advice on this matter from a range of sources.

PQ 3	Ms Gallagher, Hereford	In my case there were many delays, so many that practically all of the time during proceedings was used up waiting for assessments to be completed. This then meant there was no time to address any concerns and make changes needed. Why are parents not given the time they need to keep their children? Why are families punished for the social workers disorganisation and inability to adhere to timescales?	Cabinet member children and families
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Response:

Thank you for your question. Whilst I cannot comment on individual cases, I am sorry that you experienced delays which can be caused by a number of things. Once families and the local authority are in court and proceedings are issued, there is limited opportunity to make changes as this is the period in which the Courts ask for evidence and assessment. Many assessments required by the Court are carried out by external and independent assessors and it is often their availability that can challenge the Courts' preferred timescale of completing proceedings within a 26-week period. The period where much of the preventative and support activity can take place with families is in the pre-proceedings stage where we work with families to try to bring about change so that going to court is avoided wherever possible.

Supplementary Question:

Referring to my case, my children were on child in need plans when they were removed with two hours notice. When I was pregnant I was told to await the outcome of the pre-birth assessments to see what support I needed to keep my baby. I received that report two days after I was due to give birth. Social workers had 33 weeks to complete that assessment. Independent social workers are only instructed to do assessments when the local authority's report is either compromised or disputed. Social workers left their roles or threatened to resign if they were asked to assess me. The delays in my case were caused by Herefordshire Council.

There is a clear lack of support during pre-proceedings, as there was none. So where was the support to keep my family together, instead of just destroying it like you did?

In my original question I asked about the delays caused by Herefordshire Council and why parents had no time to address concerns or change to meet the concerns and to keep their children at home. As I said in my supplementary my children were on Child in Need plans and then they were removed with two hours notice. With my baby when I was pregnant the social workers knew from 8 weeks and I didn't receive the assessment until after I was due to give birth. They told me throughout my entire pregnancy that I needed that assessment to see what support can be given to keep my baby. Because that assessment was so late, my baby was removed at birth. So where was the support to keep my family together?

Response to supplementary question (cabinet member children and families):

It is very upsetting to hear about this story and I completely apologise. This is why we need to change, this is why we are here today and I trust that our staff are in touch with all families who need support but I cannot comment on individual cases.

PQ 4	Mr Griffiths, Hereford	I understand there is no longer a Domestic Abuse Hub running in Herefordshire, nor an individual with specialist knowledge and training around domestic abuse working within the MASH. The Ofsted report reflects under-developed partnerships and insufficient co-location or partnership resources within the MASH. The report also states the early help offer is limited and in particular, services to address domestic abuse. This is indicative that recent decisions made by the local authority in this regard, have been counterproductive, leaving a concerning gap in terms of knowledge and understanding of domestic abuse within Children's Services. According to recent statistics, the prevalence of domestic abuse in Herefordshire is significant, with many children suffering significant harm as a direct result. What is going to be implemented to address the issues around lack of resources/response to cases where domestic abuse is a factor?	Cabinet member children and families
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Response:

Thank you for your question. The decision was made to incorporate the Domestic Abuse Hub into the MASH, any staff and resources have been absorbed by the MASH and have not been lost or removed. We continue to commission West Mercia Womens Aid to provide specialist support to

those experiencing domestic abuse throughout the county, this includes the provision of specialist advice and support to the MASH hub. Going forward this resource will be utilised across both Early Help and MASH teams. Following the Ofsted inspection, MASH resources have been further strengthened.

We have secured a bigger area for the MASH and this allows us to bring forward our plans to co-locate all key partners within the MASH. Training in respect of domestic abuse is available to all staff. In addition to this, multi-agency training is also offered by the [Herefordshire Safeguarding Children Partnership](#) to all partners, the most recent training took place on Wednesday 28 September 2022. We continue to work with our partners to provide support to those at risk of domestic abuse, details of which are listed on our [Talk Community Directory](#). We recognise the gravity and impact of domestic abuse and continue together with our partners to further develop services to support families and victims of domestic abuse.

Supplementary Question:

Thank you for your response to my question. What procedure or specialist is put into place now in specific domestic abuse cases?

Response to supplementary question (cabinet member children and families):

Thank you for the question, I agree that this is really important. It is really important that we have domestic abuse experts in our multi-agency and safeguarding hub and that we work very closely with our colleagues particularly the police on this and I'll keep pushing on this.

PQ 5	Ms Reid, Hereford	<p>There are sixteen "Measures that Matter" in the <i>Children's Social Care and Early Help Improvement Plan 2022-24</i> (Version 2.0 May 2022, presented at the Children and Young People Scrutiny Committee meeting on 26 July 2022). Numbers 1 and 2 relate to the caseload of social workers.</p> <p>For the below Measures that Matters, please give data for the following dates:</p> <ul style="list-style-type: none"> • Quarter 4 of 2021-22 • July 2022 • Up-to-date number (and/or %) and state the relevant date <p>Number 6: "Number of unallocated cases" Number 10: "Proportion [%] of Plans considered to be Good or Outstanding" (<u>exclude</u> other grades eg "Requires Improvement") Number 15: "We respond appropriately to complaints and service feedback from children [% <u>and</u> number] (measure number of complaints that are responded to within timescales)" Number 16: "The number of complaints we receive is reducing"</p>	Cabinet member children and families
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Response:

Thank you for your question. Measures that Matter are reported on a quarterly basis; information is shown for Quarter 4 21/22 and for Quarter 1 22/23.

Measure that Matters	Quarter 4 2021/22	Quarter 1 2022/23
6 – The number of unallocated cases in the service	30	27*
15 - We respond appropriately to complaints and service feedback from children (% number)	65%	83%

of complaints that are responded to on time within the reporting month)		
16 - The number of complaints we receive is reducing (decreasing and low is good)	7	12

* For clarity, these are not the same cases. These are snapshot figures at a particular point in time. Any unallocated case at any point in time is rigorously risk assessed and is monitored by appropriate managers. There are several reasons why a case might be unallocated for a short period of time, including transfer between services and awaiting allocation, or change of worker.

Information requested in respect of number 10 deviates from the Measures that Matters and is listed separately below

Question	Quarter 4 2021/22	Quarter 1 2022/23
% of audited plans considered to be good	2%	7%

Supplementary Question:

Only 2% and 7% of audited children’s plans for the quarters were “Good”.

- **How will this be improved and by what date?**

The number of unallocated cases – that is vulnerable children without a social worker - was 30 for Quarter 4 2021-22 and 27 for Quarter 1 of 2022-23.

- **What is the highest number of unallocated cases during each of these quarters?**

Frankly, 19 complaints over 6 months appears to be incredibly low.

- **What is the definition of “complaint” eg complaint to the Ombudsman?**
- **Given the “Inadequate” service, how will the complaints procedures for children and families be improved and by when?**
- **Regarding complaints by children, is a better criterion the number resolved at Stage 1 rather than responded to?**
- **As requested, provide up-to-date information plus highest number of unallocated cases since 1/7/2022.**

Response to supplementary question (cabinet member children and families):

Thank you for your question, there are a lot of very good questions in there. I will provide a written response with all the necessary data. It is very important that we get out complaint processes right.

Written response sent on 14 October 2022:

Thank you for your supplementary question. Your attention to detail and line of questioning is helpful to us in developing the way that we present our information to a broader audience.

That the percentage of audited plans that were good was so low is a disappointment to us and was reflected in the feedback from Ofsted inspectors this summer. Improvement will not be seen overnight given the low base evident but we have introduced clear practice standards; increased training and support; and have increased management oversight alongside reducing workloads for social workers. Progress against our improvement plan will be monitored by Ofsted in future Monitoring Visits, and by the Improvement Board, the Children and Young People Scrutiny Committee, and by Cabinet.

We are not able to answer the question relating to the highest number of cases during a period of months as the system of reporting that we have shows a number per day which is monitored daily, with appropriate action taken on the day. Your question raises an important point though and we have begun to explore how we can show a broader range of data with regard to unallocated cases over a period of months.

With regard to complaints, there are two complaints processes, one a statutory children's complaints process, and the second a corporate complaints process, each slightly different. The former is determined by the Children Act 1989 guidance and regulations. We initially reported on the numbers of complaints in the children's process as this is the process captured by the Measures that Matter but there were others within the corporate process and the combined numbers for each are reported below:

Q4 2021/22		Q1 2022 /23	
Children's	7	Children's	12
Corporate	44	Corporate	82

o *Following the recent inspection we are reviewing the improvement plan and the suite of measures of matter and should the measure looking at complaints be retained, we shall include complaints for both processes.*

We are not aware of deficits in the complaints procedures and policy, which are to a large degree informed by legislation and guidance and that as the figures indicate are known about and accessed by families. We are aware though that as a service we need to improve how we respond to complaints, particularly with regard to timeliness, and want to increase the number of complaints that are satisfactorily resolved at stage one rather than having to progress to additional stages.

Your suggestion to change the criterion to resolved at stage 1 rather than responded to is a helpful one and is being considered within the review of the Measures that Matter.

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Ms Reid, Hereford	<p>I refer to Appendix 2 – Improvement Board Membership of the Children and Families Strategic Improvement Plan which was endorsed by the Cabinet at the 28 October 2021 meeting.</p> <ul style="list-style-type: none"> • Please provide a complete (eg if employed by Herefordshire Council), accurate (eg if “Interim” or not) and up-to-date version detailing the current membership of the Improvement Board. • Please provide a complete, accurate and up-to-date version of the “Structure Chart” and “Senior Leadership Team Details” or confirm that the most-recent version on the council’s webpage: <p>https://www.herefordshire.gov.uk/downloads/file/8213/senior-management-structure-and-contact-details-june-2022</p> <p>is complete, accurate and up-to-date including for the Children and Young People Directorate.</p> <p>If necessary, I suggest you update the council’s website with the up-to-date information as soon as possible.</p>	Cabinet member children and families
<p>Response:</p> <p>Please find attached (below) the membership details for the Improvement Board.</p> <p>The website is in the process of being updated with an updated structure chart but will be available at Senior management team – Herefordshire Council</p>			

Improvement Board Membership

Role	Name	Designation	Comment
Chair	Gladys Rhodes White	Chair and DfE Improvement Advisor	
Note Taker:	Sarah Morris	Programme Coordinator, Corporate Services	Herefordshire Council Permanent
Board members:	Eleanor Brazil	Children's Commissioner, Children and Young People	
	Paul Walker	Chief Executive	Herefordshire Council Permanent
	Cllr Diana Toynbee	Cabinet Member, Children & Families	
	Cllr Philip Howells	Chairperson, Children and Young People's Scrutiny Committee	
	Cllr Jennie Hewitt	Vice-chairperson, Children and Young People's Scrutiny Committee	
	Cllr David Hitchiner	Leader to the Council	
	Darryl Freeman	Corporate Director, Children and Young People	Herefordshire Council Permanent
	John Bostock	Regional Advisor, Department for Education (DfE)	
	Alexandra Floyd	Head of Communications	Herefordshire Council Permanent
	Claire Porter	Director of Governance and Legal Services	Herefordshire Council Permanent
	Edd Williams	West Mercia Police	
	Kevin Crompton	Independent Scrutineer	
	Matt Pearce	Director of Public Health	Herefordshire Council Permanent
Claire Burgess	Local Government Association		
Social Care	Gail Hancock	Service Director Improvement, Children and Young People	Herefordshire Council Interim
	Rachel Gillott	Service Director, Safeguarding and Family Support	Herefordshire Council Permanent
	Phil Bullingham	Service Director, Safeguarding, QA and Improvement	Herefordshire Council Permanent
	Kerry Oddy	Principal Social Worker	Herefordshire Council Permanent (starts 24/10/2022)
Staff reference group rep	Rob Kyle	Independent Reviewing Officer	Herefordshire Council Permanent
Schools rep	Nicki Gilbert	Special School Representation, Westfield School	
	Emma Shearer	Primary School Representation, Riverside Primary School	
	Sue Gaston	Secondary School Representative, Fairfield High School	

Health rep	Mari Gay	Chief Executive, NHS Herefordshire and Worcestershire Clinical Commissioning Group	
	Heather Manning	NHS Herefordshire and Worcestershire Clinical Commissioning Group	
	Maria Hardy	CCG Commissioning & Transformation Lead CYP & Maternity	
	Kathryn Cobain	Chief Nursing Officer, Herefordshire and Worcestershire Integrated Care Board	
Healthwatch rep	Jane Ellis	Lead for Children and Young People, Healthwatch Herefordshire	

