

Agenda

Children and young people scrutiny committee

Date: **Monday 12 November 2018**

Time: **10.15 am**

Place: **Committee Room 1 - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

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Agenda for the meeting of the Children and young people scrutiny committee

Membership

Chairman **Councillor CA Gandy**
Vice-Chairman **Councillor FM Norman**

Councillor CR Butler
Councillor ACR Chappell
Councillor JF Johnson
Councillor MT McEvelly
Councillor A Seldon

Pat Burbidge
Mr A James
Mr A Teale

Archdiocese of Cardiff
Parent Governor Representative
Diocese of Hereford

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest from members in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting on 1 October 2018.</p>	5 - 14
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public. <i>Deadline for receipt of questions is 5:00pm on Tuesday 6 November.</i> <i>Accepted questions and answers will be published as a supplement prior to the meeting. Please submit questions to:</i> councillorservices@herefordshire.gov.uk.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council. <i>Deadline for receipt of questions is 5:00pm on Tuesday 6 November.</i> <i>Accepted questions and answers will be published as a supplement prior to the meeting. Please submit questions to:</i> councillorservices@herefordshire.gov.uk.</p>	
7.	<p>SECTION 20 TASK AND FINISH GROUP – RECOMMENDATIONS AND OUTCOMES</p> <p>To present the final report of the section 20 task and finish group containing proposed recommendations to the executive.</p>	15 - 30
8.	<p>DENTAL HEALTH AND CHILDHOOD OBESITY SPOTLIGHT REVIEW - RECOMMENDATIONS AND OUTCOMES</p> <p>To consider and approve the recommendations emerging from the spotlight review concerning dental health and childhood obesity.</p>	31 - 44
9.	<p>WORK PROGRAMME REVIEW</p> <p>To review the attached work programme for 2018/19.</p>	45 - 68
10.	<p>DATE OF NEXT MEETING</p> <p>The next meeting of the children and young people scrutiny committee takes place on Thursday 29 November at 3.00 p.m.</p>	

Minutes of the meeting of Children and young people scrutiny committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Monday 1 October 2018 at 2.00 pm

Present: Councillor CA Gandy (Chairman)
Councillor FM Norman (Vice-Chairman)

Councillors: J Hardwick, JF Johnson, MT McEvelly and A Seldon

In attendance: Chris Baird, Director Children and Families (DCF), John Coleman, Head of Democratic Services, Liz Elgar, Assistant Director Safeguarding and Family Support (ADS&FS), Matthew Evans, Democratic Services Officer, Lisa Fraser Assistant Director Education Development Skills, Sally Halls, Herefordshire Safeguarding Children Board, Chris Jones, Strategic Business Intelligence Manager and DCI Jon Roberts, West Mercia Police.

20. APOLOGIES FOR ABSENCE

Apologies were received from Mr Burbidge, Councillor Butler, Councillor Chappell and Mr James.

21. NAMED SUBSTITUTES

Councillor Hardwick acted as a substitute for Councillor Chappell.

22. DECLARATIONS OF INTEREST

There were no declarations of interest.

23. MINUTES

RESOLVED: That the minutes of the meeting on 17 September are approved as a correct record.

24. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 10)

A copy of the public question and written answer is attached to the Minutes at Appendix 1.

25. REFERRALS TO THE MULTI AGENCY SAFEGUARDING HUB

The committee received a report from the Director Children and Families concerning referral levels to the Multi-Agency Safeguarding Hub (MASH). The ADS&FS introduced the report and advised that it outlined when a referral should be made and the thresholds in place to require intervention. The outcomes of the Ofsted inspection were also raised which found that too many children were being referred to the Council. The report

showed the high level of referrals from the Police and the high proportion that were judged to require no further action. The ADS&FS explained that she would be meeting with DCI Jonathan Roberts to discuss the current situation and measures to address the high referral rate.

The Chairperson welcomed DCI Roberts to the meeting who was in attendance to address queries concerning referrals to the MASH originating from West Mercia Police.

The committee raised those points below in the discussion that followed:

- The committee queried the mobile phone application in use to assist officers to make a judgement over safeguarding concerns. *DCI Roberts explained that the application was a tool with general advice that was not specific to Herefordshire and safeguarding concerns were referred through the Harm Assessment Unit, a member of which was co-located in the MASH. DCI Roberts stated that the Police have a duty to refer every child considered to be at risk. It was recognised that the higher level of safeguarding risk was referred to the MASH and it was necessary to understand what processes were in place to report lower levels of risk. A meeting would be taking place with the ADS&FS shortly to discuss these issues.*
- It was queried whether some officers were more risk averse than others and if this had an impact on high referral rates. The committee considered whether greater levels of training and guidance could help to address such risk aversion? *DCI Roberts explained that the front line officers did not refer directly to the MASH. There was a statutory requirement to address concerns about the welfare of children. The DCF explained that a visit was arranged to the harm assessment unit at the Police in order to examine what steps could be taken to address referrals deemed unnecessary. The issue was longstanding. Signposting to early help services would help to reduce the level of referrals. Other courses of action existed to signpost concerns and a link to the WISH website could be circulated. WISH had a range of information to support agencies to signpost to early help and preventative services.*
- Sally Halls, Chair of the Herefordshire Children Safeguarding Board (HSCB), explained that there was a statutory responsibility for anyone who had a concern about the welfare of a child to make a referral if that child was likely to suffer significant harm. There had been long running discussions with the Police force who had been slow to address the issue of responding differently to children who did not meet the threshold of significant concern. There was a requirement for an early help service for children and families to ensure they received effective help in a more timely manner to help reduce the need for statutory involvement.
- The Committee stated that it was useful to understand a holistic view of the issues concerning referrals and safeguarding and it was important that the early help strategy and its implementation was reviewed.
- The Committee questioned whether there was a consistent model across the Police Force to raise safeguarding concerns and make referrals. *DCI Roberts confirmed that there are five different models across West Mercia and Warwickshire due to the number of local authorities in the region. There is no dedicated Child Protection Team in Herefordshire, accredited Child Protection staff do work within the CID Team, however there was a programme for upskilling more staff across the Force as only a small number had been trained in child protection. All members of staff in the harm assessment unit had received appropriate training.*
- It was commented that the figures relating to referrals from the Police led to a perception that referrals were being made as a box-ticking exercise. There was concern that such an approach would detract from or delay those cases in urgent need of attention being investigated. *DCI Roberts explained that the harm assessment unit did attempt to identify those cases that required referral using*

the levels of need to differentiate these from the lower level concerns, he recognised it was important in future that there was engagement between the Force and the early help work being progressed.

- The Committee commented on the importance of a youth justice review and the need for scrutiny to look at issues holistically, including safeguarding. It was suggested that the committee received an update report in 6 months time when progress had been possible with the involvement of the Police in the early help strategy. It was important for the committee to have a broad view of all those elements involved in the youth crime and contributory factors to ensure that those early help services were correctly targeted. If the committee were fully aware of the current pressures and challenges then recommendations for budgets to be adjusted now could be made rather than waiting until there was a critical need to act in 5-10 years time.
- The committee commented that the scrutiny committees were considering crime and disorder documents and reports in silos and the issues needed to be looked across the county through one combined scrutiny review. *The statutory scrutiny officer confirmed that such a review would be investigated.*

RESOLVED - That the committee notes the report and requests that an update on the level of referrals and engagement between the Police and early help service is provided to a meeting of the committee in March 2019.

26. OUTCOME OF OFSTED INSPECTION OF LOCAL AUTHORITY CHILDREN'S SERVICES (ILACS) AND ACTION PLAN

The committee received a report from the Cabinet Member young people and children's wellbeing which set out the outcomes of the recent Ofsted inspection and the action plan produced by the Council in response. The Director Children and Families and the Assistant Director, Safeguarding and Family Support introduced the report and explained that the inspection had been conducted under the new inspection framework which was focused on experience and outcomes. The inspectors had reviewed internal information such as the self-assessment and had conducted interviews with social workers.

The DCF outlined the findings of the inspection. The overall judgement was requiring improvement, but the judgement for the impact of leaders on social work practice with children and families was inadequate. There were a number of positive reflections on the services in Herefordshire and no child seen was at risk of significant harm and children at risk of immediate harm receive prompt and responsive intervention, ensuring they are safeguarded. The council's self-assessment had already identified areas that were reflected in Ofsted's report including capacity and caseloads of social workers. Recruitment to teams and performance management systems were also highlighted as an area of concern raised through the inspection. The action plan proposed a range of actions to address the findings of the inspection and some were already taking place. The effectiveness of the plan would be monitored and there was a need to refresh the plan every three months. It was recognised that there was a need to ensure a sustained cultural change to ensure consistent progress. The report and action plan would be presented to Cabinet for approval and a further visit by Ofsted was expected.

The committee raised the issues below in the discussion that followed:

- The committee referred to an article which contained details of the inspection framework and those elements which ensured a good outcome from an inspection.
- The money that had been dedicated by Cabinet to support the recruitment of social workers would help to support elements of the action plan. Would this funding be maintained? *The DCF confirmed that funding for capacity and staffing*

needed to be sustained to ensure improvement. The Council was in a relatively healthy financial position and a base budgeting exercise was underway to set out what was required to continue the staffing in next year's budget. There remained challenges around the recruitment of permanent and agency staff. There had been some success but recruitment was an ongoing issue and methods for the recruitment and retention of social workers were being investigated.

- The committee acknowledged that the report had some areas of concern but also contained positive elements.
- The committee requested information regarding how the concerns regarding the continuity of social workers for children would be addressed. *The ADS&FS confirmed that difficulties with recruitment of social workers had an impact upon the continuity of social workers but it was important that the service sought to ensure that the experience of newly qualified social workers who worked in Herefordshire was positive to ensure they remained with the local authority. Apprenticeship schemes were also being investigated but the problem of recruitment was a nationwide issue with 500 vacancies believed to exist across the West Midlands. It was important to offer social workers development opportunities and career development pathways to ensure that social work at the council was an attractive option and to encourage newly qualified social workers to remain with the authority. It was acknowledged that continuity was fundamental to social work to enable relationships to be developed between a family and the social worker and allow for proactive work to be undertaken.*
- It was queried whether the opportunity to be a social worker in Herefordshire had been promoted to the local university which offered relevant courses. *The ADS&FS explained that the principal social worker spoke at events at Worcester University to promote opportunities at the Council. It had been found that students tended to stay in those areas where they had undertaken placements or from which they originated. The Council could offer placements and support/facilities to students but they tended to stay closer to those establishments where they were studying.*
- The committee contemplated those reasons why recruitment of social workers was such a problem. The reasons were felt to be complex and multi-faceted including the manner in which the media reported children abuse scandals. It was remarked that the issue with recruitment had existed for a number of years and the reasons should now be understood. *The ADS&FS confirmed that problems concerning recruitment affected many parts of the country. It was acknowledged that social work was a challenging job and the coverage in the media did not help recruitment efforts but it was important that people were provided with a good experience when training and after qualifying to ensure that they returned to work for the council and remained in the long term.*
- The committee queried the outcome from the inspection concerning leadership and interaction between senior management and social workers. It was recognised that the work undertaken by social workers was very professional but problems with leadership had been highlighted. More information regarding how this would be addressed was requested particularly as it was felt that this would have an impact on the retention of social workers. *The ADS&FS confirmed that performance management information for managers would be refined and improved. Better performance management would be introduced and new performance management systems introduced which would seek to support and challenge people without being punitive. The new performance management system was designed to promote change and encourage conversations about improving the quality of practice. The DCF confirmed that the funding agreed by cabinet enabled more team managers to be employed to provide improved supervision and through the budget setting process it was intended that the additional capacity would become permanent. There remained some interim positions in the service but most were now permanent. It was important that*

social workers: had a manageable case load; felt supported; and received development and training opportunities. A new model of practice for social work, 'Signs of Safety' was being introduced with support from Doncaster where the model already existed.

- The committee queried the KPIs and action plans that were in place to realise the objectives of the action plan and requested detail of when evidence of progress against the action plan could be returned to committee. It was requested that a quarterly update report should be submitted to the committee with evidence of progress. *The ADS&FS explained that each area of the service had its own action plan which were reviewed with heads of service on a monthly basis to ensure improvement had been achieved. Quarterly reports could be provided to the committee showing progress against the action plan.*
- The role of the cabinet member children and families and her interaction with children services and director was questioned. *The DCF confirmed that there were regular briefing sessions with the cabinet member. There was a strong link between the cabinet member, the director and children services.*
- The committee raised the issue of the quality of life story work which had been a perennial area of concern. It was queried what was preventing improvement in this area. *It was explained that a different approach to life story work would be undertaken in future and work would now begin at the earliest opportunity following contact between social worker and family to improve the quality and completeness of life stories.*

RESOLVED – That the committee:

- **endorses the action plan;**
- **allocates a quarterly item to its work programme to assess progress against the action plan; and**
- **welcomes those positive elements emerging from the inspection including: safeguarding arrangements; looked after children and early help; care leavers; children with disabilities; children at risk of sexual exploitation or wider exploitation; the Council's approach to elective home education; and children who go missing.**

There was a brief adjournment at 3.20 p.m. The meeting reconvened at 3.25 p.m.

27. HEREFORDSHIRE SAFEGUARDING CHILDREN BOARD (HSCB) ANNUAL REPORT 2017/18

The committee received a report from the Director of Children and Families which set out the Herefordshire Children Safeguarding Board (HSCB) annual report 2017/18 and the latest version of the business plan of the Board for 2017-19. The reports were introduced by Sally Halls, Chair of the HSCB who explained that the Board oversaw the safeguarding arrangements of agencies across Herefordshire. There was significant pressure across the system and the impact of organisational resources on safeguarding arrangements was acknowledged: there had been a high turnover of staff at the CCG; the Wye Valley Trust was assessed as requiring improvement and West Mercia Police's approach to serious organised crime was also found by HMIP to be requiring improvement. Attendance and engagement by some agencies in Herefordshire with the Safeguarding Children Board was reported as not being good enough, which in turn affected speed of progress with improving responses to Herefordshire children and families who may need safeguarding or early help services. Some improvement had been achieved and some children and families were receiving a good service but it was not assured that all children received a good service or that responses were sufficiently quick and effective in circumstances where there might be the risk of neglect, domestic abuse and substance misuse.

The HSCB Chair expressed concern regarding the consistency of system-level leadership and the lack of common cause across the agencies. The current situation undermined the operational strength of the system and a culture shift was required to ensure improvement was achieved and children were diverted from the child protection system by receiving effective help earlier.

The HSCB Chair outlined new legislation that would see the local authority sharing responsibility with health (the CCG) and police partners for establishing arrangements for children's safeguarding in Herefordshire. This need not consist of a Safeguarding Children Board, as previously required. It was important that the three 'safeguarding partners' began to think now how this would be structured in Herefordshire. Fresh thinking around governance and accountability was necessary to tackle the problems of domestic abuse, exploitation of children and vulnerable adults. New thinking about how to share responsibility with counterparts in the police and the NHS was also required.

The committee raised those comments below in the discussion that followed:

- The committee asked how a common cause could be enabled between the agencies. *The HSCB Chair explained that it required strong leadership by the main safeguarding agencies to have difficult conversations and to engage with voluntary and community-level groups.*
- The committee queried why the Board had struggled to engage some agencies. *The HSCB Chair explained that area-wide bodies struggled to engage with the Board itself because of reductions in their capacity which have taken place over a number of years. The Board did expect agencies to respond when challenged. Despite the new legislation this may still be a challenge. However, in relation to the delivery of effective and timely services to families, this is generally good across the partnership.*
- The committee asked what work had been attempted to engage with the agencies. *The HSCB Chair confirmed that she challenged agencies when necessary. The Board received assurance reports from agencies such as the Youth Justice Service and made specific demands as required. Regular meetings with the office of the police and crime commissioner, the chief executive of the CCG and the director for children services were also held.*
- The committee questioned whether the board was happy with the current safeguarding arrangements in Herefordshire and whether it was felt that the board was fulfilling its statutory purpose. *The HSCB Chair confirmed that there was a great deal of good work but insufficient assurance that all children got the best service or that safeguarding arrangements were working well enough at all times. The Board does fulfil its statutory requirements but there was always scope for improvement.*
- The new safeguarding arrangements that would be introduced in the 2019 were raised. *The DCF explained that there was a requirement from September 2019 to introduce more effective arrangements.*
- The early help service was raised. *The HSCB Chair explained that in past years, a government grant had enabled an expansion of early help services by the Council which had unfortunately ended with the withdrawal of funding. However, a system-wide approach to early help had not been developed at the time and this was a lost opportunity to embed a common sense of responsibility for early help across the system. This remains a focus for the Children and Young People Partnership. The DCF explained that the development of the early help service at the Council was now a key priority and consistency across all parties with safeguarding responsibilities was important.*
- The Committee was concerned about the assessment of safeguarding arrangements and monitoring as outlined by the Chair of the HSCB. It was felt that the committee should look in greater depth at the proposed new arrangements in 2019. Following the implementation of the new arrangements it

was felt that the committee should review the participation and commitment of all agencies. *The DCF confirmed that a report into possible new arrangements had been commissioned and a briefing note on the relevant element of the legislation would be provided.*

RESOLVED – that:

- **The HSCB annual report 2017/18 is noted and the committee recognises the concerns raised by the Chair of the Board;**
- **The committee receives details of proposed safeguarding monitoring arrangements in Herefordshire under new legislative provisions; and**
- **Following the implementation of new safeguarding monitoring arrangements in Herefordshire from 2019 the committee reviews the involvement and commitment of all agencies.**

28. WORK PROGRAMME REVIEW

The committee received and noted its work programme for 2018/19. The committee agreed to rearrange the meeting on 18 February 2019 to 4 March 2019 to allow for the outcomes of the two task and finish groups currently in operation to be reported prior to the commencement of purdah.

RESOLVED – that the committee agree the rearrangement of the meeting date on 18 February 2019 to 4 March 2019.

29. DATE OF NEXT MEETING

The next meeting of the committee would be held on Monday 12 November, at 10.15 a.m. in Committee Room 1.

The meeting ended at 4.10 pm

Chairman

Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 1 October 2018

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

Question Number	Questioner	Question	Question to
PQ 1	Ms Shore, Hereford	<p>Children are not routinely spoken to alone by social workers as part of their own assessments, and so subsequent plans are not informed by a child’s view of their lived experience.” Para 9, p4, the Ofsted Report.</p> <p>This must mean that assessments do not routinely include the child's voice. When this is the case, there is a risk that assessments will result in actions and plans which do not meet the child's needs. This seems to be a serious failure to ensure that the best interests of the child are central to assessments.</p> <p>As part of its scrutiny of the action plan, developed in response to the Ofsted inspection, will the committee scrutinise what steps are in place to rectify this situation and to ensure that children are spoken to alone as a matter of course in every assessment?</p>	Chairman of Children and Young People Scrutiny Committee

Response:
 The children and families directorate acknowledge Ofsted’s findings as correct, and are determined to ensure children’s voices are heard in every assessment where this is practically possible. Since July 2018, a comprehensive development plan has been established in the assessment service to drive up the quality of assessment work, and crucial to this is the auditing of work to establish children have been seen and seen alone. This work will continue until at least the end of October, with a real focus on improving quality of practice. Scrutiny Committee have sight of the action plan that has been submitted to Ofsted and will be reviewing progress against this on a regular basis.



Meeting:	Children and young people scrutiny committee
Meeting date:	Monday 12 November 2018
Title of report:	Section 20 Task and finish group – recommendations and outcomes
Report by:	Chairperson of the section 20 task and finish group

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To report the outcomes and recommendations of the section 20 task and finish group to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the task and finish group and decide if the recommendations should be reported to the cabinet.

Recommendation(s)

That:

- (a) **The committee considers the report and recommendations of the task and finish group: section 20 (at appendix 1 of this report) and determines whether to agree the findings for submission to the executive; and**
- (b) **Subject to the review being approved, the Committee be advised of the executive's response.**

Alternative options

Further information on the subject of this report is available from
Matthew Evans, Tel: 01432 383690, email: Matthew.Evans@herefordshire.gov.uk

1. The recommendations proposed in this report represent the outcomes of the section 20 task and finish group. If there are any additional recommendations which the committee feels should be included these can be proposed and voted upon at the meeting.

Key considerations

2. The establishment of a task and finish group to focus on section 20 following the High Court judgement of Justice Keehan was agreed by the children and young people scrutiny committee on 16 April 2018. The High Court judgement was critical of the council's use of section 20 of the children act 1989 to admit children to care. The judgement attracted significant interest and publicity both locally and nationally.
3. The task and finish group was established to assess the response of the council to address those concerns raised by the judgement. The scope of the task and finish group, as agreed by the committee at the meeting above, is attached in the appendix to this report.
4. The group was formed of five members of the council from each of the political groups. It met on three occasions between May – October 2018. During the three meetings the group considered: the content of the Judge Keehan judgement; the introduction of new processes and arrangements around the use of section 20; progress of historic section 20 cases and cases opened since the judgement; and a role for internal audit to assess assurance with the new arrangements.
5. At its final meeting the group resolved a number of recommendations, as outlined in the appendix, concerning the new arrangements implemented together with additional proposals for the executive to consider. The recommendations are proposed to the children and young people committee to consider approving for submission to the cabinet.

Community impact

6. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working 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.
7. The recommendations made by the spotlight review of dental health and childhood obesity services contributes to priorities in the corporate plan to: 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.

Equality duty

8. 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.
9. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

Resource implications

10. This report proposes recommendations to the executive concerning the arrangements and processes established for the application of section 20. The final recommendations agreed by the children and young people scrutiny committee will be sent the executive. In considering their response to the approved recommendations a full assessment of resource implications will be undertaken.

Legal implications

11. The functions of the children and young people scrutiny committee include the powers to:
- make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive; and
 - to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.
12. The operation of a task and finish group to consider the response of the council to the section 20 judgement and the production of recommendations concerning processes introduced is a manifestation of these powers.

Risk management

13. There are no risks associated with the recommendation and in considering its response the executive will need to assess the risks arising from the scrutiny committee's recommendations.

Consultees

14. None.

Appendices

Appendix 1 – section 20 task and finish group report

Background papers

None identified



Task & Finish Group Report

**Review of Section 20 processes
and procedures following High
Court judgement of historic
failings**

October 2018

**Review of Section 20 processes and
procedures following High Court
judgement of historic problems**

Chairperson's Foreword

The Children and Young People Scrutiny Committee agreed the formation of a task and finish group to undertake a review of the processes and procedures in place to regulate the use of section 20 of the Children Act 1989.

The group met on three occasions and with the expert input of officers was able to produce recommendations around the council's response to the high court judgement concerning the historic use of section 20.

We 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.

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

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

Councillor Carole Gandy, October 2018
Chairperson of the section 20 Task and Finish Group

1 Executive Summary

1.1 The establishment of a task and finish group to focus on the Council's use of section 20 of the Childrens Act 1989, following the High Court judgement of Justice Keehan, was agreed by the children and young people scrutiny committee on 16 April 2018. The High Court judgement was critical of the Council's use of section 20 of the children act 1989 to admit children to care. The judgement 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 by the judgement. 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 which can be condensed into 8 topics. The recommendations focus on:

1. Support for the response of the Council
2. Compliance and internal audit
3. Business continuity and risk management
4. Case law and training
5. Informed consent
6. Indeterminate age and section 20 application
7. All-member seminar
8. Best practice guidance

2. Composition of the Task and Finish Group

2.1 Members of the task and finish group were:

Councillor Carole Gandy (chairperson)
Councillor Polly Andrews
Councillor Chris Chappell
Councillor Felicity Norman
Councillor Alan Seldon

2.2 Lead directorate officers – Vicki Lawson and Tim Marks

3 Context

Why did we set up the group?

3.1 A judgement by the High Court on 1 February 2018 found that there had been historic failures in Herefordshire Councils use of section 20 of the Children Act 1989. The judgement identified specific cases where section 20 had been incorrectly applied.

3.2 The review undertaken by the task and finish group was commissioned to look at the use of section 20 orders, the processes in place to ensure their appropriate use and to conduct analysis on case samples.

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 section 20 orders, including what are section 20 orders and when they are used;
- understand the judgement of the high court and how it has been addressed;
- learn what processes are in place to ensure the appropriate use of section 20 orders; and

- look at cases including studies and audit findings to ensure processes are being observed and section 20 orders appropriately applied.

.Who did we speak to?

3.4 Between May – October 2018, the group convened three meetings and engaged the following officers:

- Vicki Lawson, interim Assistant Director Safeguarding and Family Support
- Tim Marks, Senior Children’s Solicitor
- Chris Baird, Director Children and Families
- Liz Elgar, Assistant Director Safeguarding and Family Support
- Jacqui Gooding, Assistant Director, SWAP internal audit services

What did we read?

3.5 The group looked at the information below to undertake this review:

- Briefing on critical judicial judgement for children’s scrutiny committee – March 2018
- Section 20 presentation 11 May 2018
- Herefordshire Council’s What is children’s social work advice pamphlet – March 2018
- Section 20 guidance issued to social workers
- Presentation 2 – the seven point plan – 19 July
- Presentation – meeting 3 – 4 October

What did we ask?

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

- What is section 20 and when should it be used;
- What processes manage the appropriate use of section 20; and
- Are the processes being observed and is section 20 being used appropriately?

What did we find from our research?

3.7 The task and finish group developed an understanding of the high court judgement concerning the historic failures in the Council’s application of section 20. The judgement referred specifically to two children and their parents but also made comment on another 42 cases that the council has reviewed and supplied information to the High Court. Justice Keehan expressed concern about the status of 14 of them being subject to section 20.

3.8 The Children Act 1989, from which section 20 powers derives, allocates duties to local authorities, courts, parents, and other agencies in the United Kingdom, to ensure children are safeguarded and their welfare is promoted. It centres on the idea that children are best cared for within their own families; however, it also makes provisions for instances when parents and families do not co-operate with statutory bodies.

3.9 What is Child Protection? The task and finish group learned about child protection arrangements and processes, including the use of section 20 care:

- Child protection means acting to reduce the risk of harm to a child. The changes required are usually to be undertaken by the parent(s), supported by advice from professionals across agencies.

- When doing their assessment, or when providing a service, it may become clear that the child is being harmed while in the care of their parent(s). This can be direct harm, for instance physical assault, or indirect harm resulting from poor care, which is known as neglect.
- At any stage during the investigation, professionals can decide that their concerns have reduced following new information. The child / young person and their family may still need some advice and support from a social worker, which is provided under a 'child in need' plan.
- When a child is at risk of harm, professionals have to follow detailed guidance laid down by government. This involves meetings between all professionals and the family, as well as the creation of a 'child protection' plan, which is then closely monitored to check it is being effective.
- The types of abuse are laid down in law: neglect, emotional harm, physical harm and sexual harm.
- The intention of the plan is to reduce the risk faced by the child.
- If the risk cannot be reduced after a substantial effort, the decision will be made to remove the child from the care of their parent(s).
- This can be done with the agreement of the parent(s); known as a voluntary accommodation or section 20 care (this refers to section 20 of The Children Act 1989, which describes this arrangement) or a court will be asked to make a care order to transfer parental responsibility to the local authority.
- In both instances, the child then becomes 'looked after'.
- Following a judicial ruling in 2015, section 20 care can only be used for a short period of time, which in most circumstances, is a maximum of three months. If the child is not to return home within this period, the local authority must apply to the court for a care order.

3.10 The task and finish group developed an understanding of the relevant legislation. Section 20 of the Children Act 1989 provides: *the Provision of accommodation for children: general:*

- (1)Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
- (a)there being no person who has parental responsibility for him;
- (b)his being lost or having been abandoned; or
- (c)the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care

It comes within Part III SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND. The section is a duty not a power. It does not allow the authority to impose accommodation on a family.

3.11 The legislation in summary:

- Section 20 is the voluntary agreement of a parent for the child to come into care.
- Every parent has the right, if they have capacity to exercise their parental responsibility, to consent under section 20 to have their child accommodated by the local authority and every local authority has power under section 20(4) so to accommodate provided that it is consistent with the welfare of the child.
- Every social worker obtaining such a consent is under a personal duty (the outcome of which may not be dictated to them by others) to be satisfied that the person giving the consent does not lack the capacity to do so.

What did we find from talking to Officers?

3.12 The task and finish group received a number of scenarios devised by offices looking at the different circumstances for the application of section 20.

3.13 Officers presented those reasons why the judiciary may be critical of the use of section 20. Those reasons are contained in the bullet points below:

- It can result in delay in making plans for a child
- The authority can become involved in a process of negotiating decisions about other aspects of parental responsibility when one person needs to be able to make final decisions.
- The child has a limited voice when accommodated whereas in proceedings they have a children's guardian and are legally represented.
- The collection of evidence may be delayed and this may make factual issues more difficult to determine.
- It can be unfair, a local authority will have the benefit of legal advice and representation a parent may not. (The work a solicitor can undertake is limited before proceedings are issued)
- It can defeat the Public Law Outline guidance on cases taking 26 weeks if a child is accommodated prior to proceedings being issued.

3.14 Officers presented the learning points arising following the judgement. Details of action taken in response and progress made with those actions was also presented, as set out below:

- 1) All requests for admission to the looked after system must be presented to a legal gateway meeting or our threshold of care panel.
- 2) Every agreement to voluntary care must be reviewed by a member of the legal team within 28 days.

Progress Made

- i. This is now embedded with a Legal Tracker on SharePoint*
- ii. As soon as a child enters care on section 20 an invite is generated and a date booked for a Legal Gateway meeting*

- 3) Social workers must consider the capacity of those persons with parental responsibility when seeking informed consent for an action. If in doubt, consult with a manager.

Progress Made

- i. Vicki Lawson facilitated a training event for team managers and Independent Reviewing Officers*
- ii. This does need to be repeated*
- iii. Legal are designing capacity check lists for workers*
- iv. The consent form for signing is being redesigned*

- 4) Independent Reviewing Officers must be satisfied that parents of children looked after under section 20 of The Children Act 1989 understand what they have agreed to and continue to agree. They must be reminded of their ability to withdraw consent.
- 5) Independent Reviewing Officers must use the escalation process to challenge any instances of case drift.

Progress Made

- i. A more robust dispute resolution process has been introduced*
- ii. Eradicating drift is intrinsic to all elements of care planning, a principle which is being embedded in all social care work*

- 6) All decisions made within legal gateway meetings should be followed up within a month by the relevant head of service.

Progress Made

- i. A review step has been added into the Legal Gateway process and the tracker is monitored by the Head of Service for Safeguarding*

- 7) The Placement Panel should review all looked after children who have been in our care for more than six months. This will take place until permanence is secured.

Progress Made

- i. With the assistance of a project manager a strand entitled Permanency Planning is being developed under a wider improvement plan which will consider all children in care and link to budget monitoring*

3.15 Officers provided detail of the progress of those section 20 cases currently on hand and progress made with those cited in Justice Keehan's judgement. Statistics were also presented concerning the percentage of children looked after by section 20 in comparison to national and regional figures. The number of children looked after, in care through application of section 20 in Herefordshire was below the West Midland and All England average. The latest figures concerning children in care under section 20 for 2018 by number and percentage were presented to the last meeting of the task and finish group; by the end of September 2018 there had been a steady reduction of section 20 cases with 27 remaining on hand.

3.16 The task and finish group received detail from officers regarding compliance with the new arrangements and processes:

- All section 20 cases have gone on a legal tracker since initiation
- Business support process is established to update this tracker
- Initial legal advice is working well (within 28 days)
- Review of legal advice is less consistent. The review process is now being tightened with a new panel
- As of 25 September 2018 a Case Progression Officer has been appointed to work specifically with Legal and ensure all court work is not delayed

3.17 The Group heard about a role for Internal Audit to assess compliance with the new arrangements through audits and the potential focus of those audits:

- Compliance with timescales (becoming section 20 and receiving legal advice within 28 days)
- Not about quality of practice
- Aim of eliminating drift in decision making
- Ensuring that all cases have been considered by legal and had a recorded legal decision
- That the legal advice is acted upon in a timely way
- Suggestion of six months (March 2019 & October 2019)

3.18 The task and finish group received a case law update and it was explained that the legal landscape is ever changing and that it was important that the Council retained a focus on researching new judgments which impacted upon the application of section 20.

4. Summary of our findings

4.1 Response of the Council

The group considered the response of the Council to the judgement including new arrangements for: legal gateway meetings and threshold of care panels; review of voluntary care agreements; consideration of the capacity of those with parental responsibility to express informed consent; independent reviewing officers (IROs) to review consent provided and remind of ability to withdraw consent; and IROs use of the

escalation process to challenge any instances of case drift. The group was supportive of the action taken and the new arrangements introduced.

4.2 Compliance and Internal Audit

The group was informed that a review and audit of the procedures to manage the use of section 20 would take place in March 2019 and it was suggested that this would be followed up with an audit in October 2019. South West Audit Partnership (SWAP) explained that this scheduled was timely as it would allow for new processes to be embedded and new cases to work through the system. The audit would be built into the internal audit plan for 2019/20. The audit and governance committee would consider the outcomes of any audits and it was confirmed that a briefing note to the scrutiny committee would be provided. The committee supported the suggestion of audits in March and October 2019 and felt annual audits of the new arrangements should continue for the foreseeable future.

4.3 Business continuity and risk management

During consideration of the reasons for the problems involved in the historic application of section 20 there was concern that organisational change may have been a contributory factor. The Group considered that it was important that any potential future restructures or redeployment of staff would not undermine or interfere with the operation of new arrangements for the use of section 20. To mitigate this risk the group recommended comprehensive training relating to section 20 processes for new members of staff working within relevant teams.

4.4 Case Law and training

The group heard that case law concerning the application of section 20 is continually evolving. In particular the task and finish group was informed of a recent case which established the principle that, despite the assumption that parental consent is needed before a child can be accommodated under section 20, this is not always the case. To ensure solicitors and social workers at the Council were kept apprised of common law developments it was proposed that provision was made available for training and research relating to relevant case law.

4.5 Informed Consent

The group was provided with detail of the nature of consent in section 20 cases. Every parent has the right, if they have capacity to exercise their parental responsibility to consent under section 20 to have their child accommodated by the local authority and every local authority has power under section 20(4) so to accommodate provided that it is consistent with the welfare of the child. Every social worker obtaining such a consent is under a personal duty (the outcome of which may not be dictated to them by others) to be satisfied that the person giving the consent does not lack the capacity to do so. The group felt that due to the complexity of informed consent a definitive protocol should exist, in conjunction with the check list being developed, to assist social workers to make a judgement on when informed consent could be deemed to have been provided.

4.6 Indeterminate Age

The group was informed that section 20 could be used for children up to the age of 18 and it queried how section 20 was applied when the age of the child was in doubt. This was thought to be a particular concern for children who were unaccompanied asylum seekers. The group stated that clarification on how to apply section 20 in such circumstances should be requested from central government or the Council should develop a process for social workers to use.

4.7 All-member seminar

The group felt that due to the significance of the section 20 judgement and the interest of elected councillors in the issue an all-member seminar should be arranged. It was felt that the seminar should provide detail of the progress made by the council to respond to the judgement and inform members of the current situation.

4.8 Best practice guidance

The group felt that the progress made in responding to the judgement and the strength of the arrangements established provided an example to other local authorities encountering problems with the historic application of section 20. Where approached by such local authorities it was felt that details of the arrangements put in place at the Council should be shared.

5 Summary of Recommendations

From our findings, the task and finish group would like to make the following **8 recommendations** to the executive and ask that they are given appropriate consideration:

5.1 Response of the Council

That the children and young people scrutiny committee:

- **Supports and commends the course of action by the Council to admit to past errors around the application of section 20 and the extent of the issue;**
- **Recognises the significant progress made since Judge Keehan's judgement to introduce new arrangements and procedures;**
- **Considers processes put in place since the judgement to be robust, fit for purpose and assure that the use of section 20 is legitimate and lawful;**
- **Acknowledges the positive attitude at the Council to embrace the need for a response to the judgement and a review of the safeguarding service and processes around care proceedings;**

5.2 Compliance and Internal Audit

The children and young people scrutiny committee supports the proposed audits in 2019 and recommends to the executive an annual audit (for the foreseeable future) of compliance, by SWAP, on section 20 arrangements and a regular in-house audit/review of the legal tracker.

5.3 Business continuity and risk management

That the executive considers comprehensive training for all new members of staff (within relevant social care and legal roles) should be provided to ensure a strong emphasis on business continuity and risk management, in respect of section 20 processes, during times of change.

5.4 Case Law and training

That the executive makes provision for adequate levels of resource to be committed to training and research around relevant case law to ensure professional development of solicitors and social workers at the council. To ensure

an understanding of topical judgements with a bearing upon the application of section 20.

5.5 Informed Consent

That the executive considers the introduction of a precise protocol to provide a framework for social workers to follow when attempting to secure informed consent from parents for the application of section 20.

5.6 Indeterminate Age

That the executive seeks clarification from central government regarding the application of section 20 for people whose age is in doubt or develops a process for use by social workers in such circumstances.

5.7 All-member seminar

That executive arranges an all-member seminar to raise awareness of progress made, with the implementation of new processes, since the judgement.

5.8 Best practice guidance

That the executive should offer details of the processes put in place and the response to the judgement, as an exemplar of best practice, to other local authorities facing historical issues concerning the application of section 20.

Appendix 1

Children and Young People Scrutiny Committee

Section 20 Task and Finish Group – Scoping Document

Title of review	Section 20 Orders Task and Finish Group
Scope	
Reason for enquiry	A judgement by the High Court on 1 February 2018 found that there had been historic failures in Herefordshire Councils use of section 20 orders. The judgement identified specific cases where section 20 of the Children Act 1989 had been incorrectly applied.
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 the use of Section 20 orders, the processes in place to ensure their appropriate use and analyse case samples.</p>
	<p>Terms of Reference:</p> <p>The task and finish group will conduct three meetings. Meetings 1 and 2 will be held in quick succession and meeting 3 will be held three months after the commencement of the task and finish group. The three meetings will be scheduled to enable the task and finish group to:</p> <ul style="list-style-type: none"> • develop an understanding of section 20 orders, including what are section 20 orders and when they are used (Meeting 1); • understand the judgement of the high court and how it has been addressed (Meeting 1); • learn what processes are in place to ensure the appropriate use of section 20 orders (Meeting 2); and • look at case including studies and audit findings to ensure processes are being observed and section 20 orders appropriately applied (Meeting 3). <p>Membership:</p> <p>The task and finish group will consist of a representative of each political group at the Council. Membership of the group will initially be sought from members on the Children and Young People Scrutiny Committee. Group leaders will be contacted to fill any remaining vacancies following this initial recruitment.</p>
What will NOT be included	<ul style="list-style-type: none"> • Evaluation of the actions of any individual officer at the council under historic 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 section 20 orders.
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> What are section 20 orders and when should they be used; What processes manage the appropriate use of section 20 orders; and Are the processes being observed and are section 20 orders being appropriately used?
Cabinet Member	Cabinet member young people and children's wellbeing
Key stakeholders / Consultees	Internal - Children's Wellbeing officers concerned with care arrangements for looked after children and legal officers.
Potential witnesses	None
Research Required	<ul style="list-style-type: none"> Potential scenarios to assess the appropriateness of section 20 orders 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 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 – 16 April 2018
Collect detail regarding section 20 orders and develop hypothetical scenarios for circulation to the task and finish group – meeting 1.	By May 2018
Compile information regarding current processes in place at the Council to ensure the appropriate use of section 20 orders – meeting 2.	Mid May 2018
Present outcomes of audit reports concerning the use of section 20 orders – meeting 3.	July 2018
Prepare recommendations – meeting 3.	July 2018
Present final report to Children and Young People Scrutiny Committee	17 September 2018

Group Members	
Chair	
Support Members	
Support Officers	J Coleman M Evans



Meeting:	Children and young people scrutiny committee
Meeting date:	Monday 12 November 2018
Title of report:	Dental Health and Childhood Obesity - recommendations and outcomes
Report by:	Chairperson of the spotlight review

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To report the outcomes and recommendations of the spotlight review concerning dental health and childhood obesity on 17 September to the children and young people scrutiny committee. The committee will consider and approve the outcomes from the spotlight review and decide if the recommendations should be reported to the cabinet or partners organisations.

Recommendation(s)

That:

- (a) **The committee considers the report and recommendations of the dental health and childhood obesity spotlight review (at appendix 1 of this report) and determines whether to agree the findings for submission to the executive or partner organisation; and**
- (b) **Subject to the review being approved, the Committee be advised of the executive and health partner organisations' responses.**

Alternative options

1. The recommendations proposed in this report represent the outcomes of the spotlight review conducted on the 17 September 2018. If there are any additional

Further information on the subject of this report is available from
Matthew Evans, Tel: 01432 383690, email: Matthew.Evans@herefordshire.gov.uk

recommendations which the committee feels should be included these can be proposed and voted upon at the meeting.

Key considerations

2. At its work programming session on 4 June members of the children and young people scrutiny committee requested that a spotlight review focusing on dental health and childhood obesity was added to the committee's work programme for 2018/19. This was requested resulting from concern about the levels of tooth decay and childhood obesity in Herefordshire as reported in the [Understanding Hereford Joint Strategic Needs Assessment 2017](#). At its following meeting, on 16 July, the committee agreed that the spotlight review would take place in the afternoon of 17 September. The scope of the spotlight review was as follows:
 - To provide a forum to undertake a comprehensive spotlight review of statistics, services and issues surrounding childhood obesity and dental/oral health;
 - To enable the identification of gaps and opportunities for joint working;
 - To assess the progress of key projects and available performance data;
 - To consider potential future initiatives and projects; and
 - To inform a report to the children's scrutiny committee with potential recommendations relating to childhood obesity and dental health in Herefordshire.
3. Initially members of the children and young people scrutiny committee and the adults wellbeing committee were invited to participate in the review and this was later extended to all members of the council. At the spotlight review 12 members attended to contribute to discussions and the consideration of recommendations.

The following organisations were invited, and attended the spotlight review, to present evidence and detail of work to progress the priorities of dental health and childhood obesity:

- NHS England West Midlands
- Healthwatch Herefordshire
- Health and Wellbeing Board
- Herefordshire Clinical Commissioning Group (CCG)

Attendees from Herefordshire Council included representatives from public health, children and families (early help), transportation and strategic planning.

A representative of the CQC was also invited but was unable to attend.

4. The spotlight review consisted of presentations from partner organisations which set out details of: Evidence of the provision and performance of services for dental health and childhood obesity in Herefordshire: and work undertaken to progress the priorities of dental health and childhood obesity. Following the presentations members questioned the representatives of those partner organisations in attendance and discussed potential recommendations.
5. A report of the outcomes of the review and recommendations proposed are contained in the appendix to this report. The recommendations are proposed to the children and young people committee to consider proposing to the executive and partner organisations.

Community impact

Further information on the subject of this report is available from
Matthew Evans, Tel: 01432 383690, email: Matthew.Evans@herefordshire.gov.uk

6. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working 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.
7. The recommendations made by the spotlight review of dental health and childhood obesity services contributes to priorities in the corporate plan to: 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.
8. The spotlight review and recommendations proposed also contribute to the priorities in the health and wellbeing strategy. The priority 'For Children' includes indicators for children to have the best start in life continuing through to adulthood as: excess weight in 4-5 and 10-11 year olds; and tooth decay in children aged 5. The recommendations proposed through the spotlight review contribute to priorities in the health and wellbeing strategy to improve dental health and weight management of children.

Equality duty

9. 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.
10. 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. The recommendations proposed by the spotlight review seek to improve dental health and weight management outcomes of all children in Herefordshire.
11. The recommendations contained in this report seek to address some health inequalities and improve access to health care services. The recommendations seek to advance equality of opportunity to all children, many of whom will share a protected characteristic. This report and its recommendations support the council in discharging its equality duty proactively.

Resource implications

12. This report proposes recommendations to organisations responsible for the provision of services relating to dental health and childhood obesity. The final recommendations agreed by the children and young people scrutiny committee will be sent to relevant organisations. In considering their response to the approved recommendations a full assessment of resource implications will be undertaken.

13. The spotlight review was conducted within existing budgets.

Legal implications

14. The functions of the children and young people scrutiny committee include statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters.
15. The scrutiny committee in reviewing and scrutinising any matter relating to the planning, provision and operation of the health service, relating to children in Herefordshire, can make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
- (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.

Risk management

16. There are no risks associated with the recommendations in this report. In considering their responses to those recommendations raised, relevant organisations will undertake assessments of risks.

Consultees

17. None.

Appendices

Appendix 1 – Report of the dental health and childhood obesity spotlight review

Background papers

None identified



Task & Finish Group Report

**Spotlight review concerning dental
health and childhood obesity**

September 2018

**Spotlight review concerning dental health
and childhood obesity**
Chairperson's Foreword

The children and young people scrutiny committee agreed that a spotlight review focusing on dental health and childhood obesity was added to the committee's work programme for 2018/19. This was requested resulting from concern about the levels of tooth decay and childhood obesity in Herefordshire as reported in the Understanding Hereford Joint Strategic Needs Assessment 2017.

We would like to place on record our thanks to all who contributed. The attendance at the spotlight review from a range of local partner organisation was excellent and I am grateful for the time and effort of the council's officers and all our local partners. I commend the quality of the presentations which provided a comprehensible and concise overview of some very complex areas. The quality of the presentations and the involvement of all those in attendance in the lively and constructive discussions allowed for a number of recommendations to emerge from the day.

I must also thank all those members of the council who attended and contributed to the day including:

Cllr Polly Andrews, Cllr Sebastian Bowen, Cllr Chris Chappell, Cllr John Hardwick, Cllr Jenny Hyde, Cllr Peter Jinman, Cllr Jon Johnson, Cllr Jonathan Lester, Cllr Felicity Norman Cllr Anthony Powers, Cllr Paul Rone, Cllr David Summers and Cllr Elissa Swinglehurst

Councillor Carole Gandy, October 2018
Chairperson of the Spotlight Review

1 Executive Summary

1.1 At its work programming session on 4 June members of the children and young people scrutiny committee requested that a spotlight review focusing on dental health and childhood obesity was added to the committee's work programme for 2018/19. This was requested resulting from concern about the levels of tooth decay and childhood obesity in Herefordshire as reported in the Understanding Hereford Joint Strategic Needs Assessment 2017. At its following meeting, on 16 July, the committee agreed that the spotlight review would take place in the afternoon of 17 September.

1.2 The outcomes and recommendations from the spotlight review can be condensed into nine topics. The recommendations focus on:

Dental Health

1. Recruitment of dentists
2. Dental Access Centres and Rurality
3. Early Years Dental Access
4. Sugary Food Advice
5. Access to Dentists
6. Fluoridation

Childhood Obesity

7. Maternity Services
8. Childhood Obesity and Mental Health
9. Planning Restrictions on Fast Food Restaurants

2. Composition of the Spotlight Review

2.1 Initially members of the children and young people scrutiny committee and the adults wellbeing committee were invited to participate in the review and this was later extended to all members of the council. At the spotlight review 14 members attended to contribute to discussions and the consideration of recommendations.

3 Context

Why did we set up the group?

3.1 The spotlight review was convened in order to:

- To provide a forum to undertake a comprehensive spotlight review of statistics, services and issues surrounding childhood obesity and dental/oral health;
- To enable the identification of gaps and opportunities for joint working;
- To assess the progress of key projects and available performance data;
- To consider potential future initiatives and projects; and
- To inform a report to the children's scrutiny committee with potential recommendations relating to childhood obesity and dental health in Herefordshire.

What were we looking at?

3.2 A range of local partner organisations were invited to the review and they were asked to present evidence and detail of work to progress the priorities of dental health and childhood obesity.

Who did we speak to?

3.3 The spotlight review engaged the following organisations in the discussions:

Organisation	Attendee
NHS England West Midlands	Nuala Woodman, Deputy Head of Commissioning David Rosling, Contracts and Projects Manager
Healthwatch Herefordshire	Christine Price, Chief Officer
Health and Wellbeing Board	Jonathan Lester (Chair)
Herefordshire Clinical Commissioning Group	Richard Watson, Children's Joint Commissioning Manager Jade Brooks, Deputy Director Of Operations at NHS Herefordshire Clinical Commissioning Group

3.4 There were also attendees from Herefordshire Council including representatives from public health, children and families (early help), transportation and strategic planning, as below:

Organisation	Attendee
Public Health (Herefordshire Council)	Karen Wright, Director of Public health Lyndsay MacHardy, Public Health Specialist Caryn Cox, Consultant in Public Health
Children's Wellbeing Directorate (Herefordshire Council)	Nicky Turvey, Early Help Manager Susan Eales, Senior Support Worker
Transportation Team (Herefordshire Council)	Jeremy Callard, Transportation Strategy Manager
Strategic Planning (Herefordshire Council)	Kevin Singleton, Team Leader, Strategic Planning

3.5 Apologies for the spotlight review were received from the Care Quality Commission.

What did we read?

3.6 The group looked at the information below to undertake this review:

Dental Health – Facts and Figures about Herefordshire
Obesity – Facts and Figures about Herefordshire
Understanding Herefordshire 2018 – JSNA
Care Quality Commission – Dental Services Inspections
Children's Dental Health – Healthwatch Herefordshire Report – April 2018
Herefordshire Health and wellbeing Strategy
National Child Measurement Programme (NCMP)
Healthy Lifestyles
Over the rainbow
Local Transport Plan
Tipping the scales – LGA guidance, Use of Planning Powers to limit takeaways

What did we ask?

3.7 In order to undertake the review the lines of questioning below were proposed:

- What evidence exists of the provision and performance of services for dental health and childhood obesity in Herefordshire: and
- What work has been undertaken to progress the priorities of dental health and childhood obesity.

What did we find from our research?

3.8 In 2014/15, 59.0 per cent of Herefordshire's five-year-olds were free from dental decay, a significantly lower proportion than nationally (75.2 per cent) and regionally (76.6 per cent). The proportion was no better than in 2007/08 (61.3 per cent), and it is significantly worse than in Herefordshire's comparator group of local authorities. The average (mean) number of decayed, missing or filled teeth in five-year-olds in Herefordshire was 1.43, much higher than in the West Midlands region (0.72) and in England as a whole (0.84). Herefordshire is also the worst performing authority of its comparator group for this indicator and is performing poorly compared to other areas where the water supply is not fluoridated. In 2015, the National Dental Epidemiology Programme survey of five-year-olds found that the proportion of children with dental decay was slightly higher in Leominster wards than Hereford, although the level of decay (i.e. the number of decayed, missing or filled teeth) was higher in Hereford.

3.9 Fluoride is a natural product and can be found in drinking water and foods; it is also added to toothpaste. Lower incidence of severe tooth decay has been recorded in populations whose drinking water contains greater concentrations of fluoride than in populations with low drinking water fluoride concentrations. Water fluoridation schemes adjust fluoride levels in water supplies in some parts of England in an effort to reduce dental decay. Areas in the Midlands including Birmingham have had fluoridated water since the early 1960s. They have lower levels of tooth decay than comparable areas in England where the water does not have added or naturally occurring fluoride in. Around 5.8 million people in England, across 27 councils, receive fluoridated water (Source: Gov.UK).

3.10 In England, child BMI is measured at Reception Year (age 4-5 years) and Year 6 (aged 10-11 years) through the mandatory National Child Measurement Programme (NCMP). For the majority of children excess weight gain is the result of eating more calories than needed and/or undertaking too little physical activity to match calorie intake, or a combination of both. In 2016/17, data from the NCMP indicate that 9.8 per cent of reception year children in Herefordshire were obese, while the combined proportion of obese and overweight was 22.9 per cent. For year 6 children, the prevalence of obesity was 19.2 per cent, while the combined figure for obese and overweight children was 34.8 per cent. For both age groups there were no significant differences between the local and national figures. In Herefordshire, as a year group passes from reception to year 6 the proportion of obese children increases by 102 per cent, a pattern similar to that seen both nationally and regionally. Children most at risk of becoming obese when older are those where one or both parents are overweight or obese, suggesting that tackling adult obesity has to run in tandem with addressing childhood obesity.

3.11 Active Travel Measures are contained in the Herefordshire Council Local Transport Plan 2016- 2031. One of the transport plan's objectives is to Promote healthy lifestyles – by making sure that new developments maximise healthier and less polluting forms of transport by

delivering and promoting active travel schemes and by reducing short distance single occupant car journeys on the roads of Herefordshire.

3.12 Some councils are using the planning system to introduce restrictions on the proliferation of fast food takeaways, as part of a holistic approach to tackling obesity.

What did we find from talking to Partner Organisations and Officers?

3.13 Each of the organisations in attendance at the spotlight review presented details of system responsibilities across dental health and childhood obesity. Details of those projects and initiatives in progress across Herefordshire were also presented together with latest statistics and further detail on potential, future projects.

3.14 Those presentations undertaken on the day can be provided on request. Healthwatch Herefordshire presented findings and recommendations of the Healthwatch Herefordshire Children's Dental Health Report from April 2018 (weblink).

4. Summary of our findings

Dental Health

4.1 Recruitment of dentists

The spotlight review heard from NHS England West Midlands of the problems involved in the recruitment of dentists. The issue was a national problem and one which affected Herefordshire. The spotlight review was concerned about reports of recruitment issues and the impact this could have on access for local residents to dental facilities. It was important that NHS England West Midlands prioritised efforts on the recruitment of dentists in Herefordshire. The spotlight review was informed that a regularly reported reason for the lack of attendance at the dentists was a perception that local surgeries were not taking on NHS patients. A campaign to increase the recruitment of dentists would help to address this issue.

4.2 Dental Access Centres and Rurality

The spotlight review heard from NHS England West Midlands regarding the forthcoming review of dental access centres. It was explained that the review would focus on issues concerning a lack of usage of the facilities and an evaluation of effectiveness in meeting the dental needs of local residents. The spotlight review highlighted the rural nature of Herefordshire and the potential impact this had upon access rates to dental surgeries. It was discussed that dental facilities in the county should take account of Herefordshire's rurality and it was proposed that mobile surgeries should be included in any review of the dental access centres. NHS England confirmed that in some areas of the West Midlands mobile dental facilities were used and there could be scope to investigate provision of mobile surgery in Herefordshire.

Herefordshire Healthwatch had raised a similar recommendation in its Children's Dental Health report for a *dental bus in rural areas to assist people to register for dentists, have a basic check-up and to receive fluoride varnish for children.*

4.3 Early Years dental access

The spotlight review was informed by NHS England of the Starting Well initiative which was focused on improving access to dentistry for children aged 0-2. The latest access rates for children were reported to the spotlight review which provided evidence that most of the children using NHS dental services were of school age or above and 12% of

children attended a dentist before their second birthday in Herefordshire. Whilst this was better than regional and national averages it was not felt to be a sufficiently high level.

The director of public health presented details of the Herefordshire public health oral health leaflet 0-17 years which had been produced as part of the Make Every Contact Council (MECC) initiative. Early Help services confirmed that children centres provided let's play sessions which included a focus on dental health, and there were visits to the centres by health workers to promote good dental hygiene and provide dental packs to the most vulnerable families. The early help team at the council also regularly asked families in contact with the service if they were registered with a dentist and if they attended annual health checks. If this was not the case support was provided.

The spotlight review supported efforts to increase the number of children under the age of 2 to attend dentists which was of particular importance given the high rate of tooth decay in 5 year olds. There is a need to overcome any issues of silo working between NHS England, and council teams, such as public health and early help to ensure all efforts to increase access to dentists for the under-2s are coordinated and integrated across organisations. The spotlight review was interested to receive statistics of the number of children, below the age of 2, in Herefordshire who attended dentists and the number who did not attend. NHS England confirmed data could be provided though an analysis of the number of children attending for Band 1, 2 and 3 treatments of those children in attendance.

4.4 Sugary food advice

The spotlight review discussed potential confusion regarding food perceived as healthy but which contained a high sugar content e.g. sultanas. Whilst considered a healthy option the high levels of sugar could contribute toward tooth decay. The spotlight review felt that clarification by public health to provide detail of food which was sugar smart would help to address confusion regarding sugar content. This accords with a recommendation from Herefordshire Healthwatch's Children's Dental Health report to *coordinate a bigger multiagency campaign about sugar smart and oral health between the early year's partners in Herefordshire to create impact and reach to parents.*

4.5 Access to dentists

The spotlight review considered confusion in local communities concerning access to dentists and registration at surgeries. NHS England West Midlands explained that registration was an inappropriate term for people who accessed surgeries and the spotlight review felt this needed further clarification and how it impacted on access for people to dental services.

The spotlight review referred to the perception that dentists were not taking on NHS patients and this was felt to be a particular concern in the market towns. NHS England West Midlands countered that the capacity of dentists in the market town was not considered a current problem however there was an issue in ensuring information contained on dental surgeries was up to date and specified where capacity at surgeries existed for new patients.

This discussion accorded with Healthwatch's recommendation from its Children's Dental Health report to *Increase NHS dental activity and dentists, particularly in market towns for adults so they can register and take their children.*

4.6 Fluoridation

The spotlight review learned of the importance of fluoride varnish for children in Herefordshire where fluoride was not added to the water supply. Public Health presented

information regarding the establishment of an Oral Health Strategy Group and the development of an oral health needs assessment which would consider the benefits of fluoridation.

Childhood Obesity

4.7 Maternity Services

The spotlight review heard from the Herefordshire Clinical Commissioning Group regarding the review of maternity services across Herefordshire and Worcestershire as part of the sustainability and transformation plans (STP). It was recognised that obesity in pregnancy represented a significant issue and the CCG outlined the serious implications of excess weight during pregnancy to the mother and the child. As part of the single specification for maternity services across the two counties the promotion of healthy ante-natal and post-natal weight could be considered. A programme to assess women's weight during pregnancy and set targets to be assessed by midwives could also be considered as part of the STP review. It is felt that weight management support during pregnancy and in the postnatal period would assist mothers to have a mentality of healthy weight management which would be applied to their offspring throughout childhood.

4.8. Obesity and Mental Health

The spotlight review considered the impacts of childhood obesity on mental health and it was felt that schools should talk to children at an early age about obesity. Public health stated that they would be looking to work more closely with schools and develop effective relationships with governors. A proposal to ask the executive and CCG as joint commissioners of mental health services in Herefordshire to investigate links between mental health and obesity and the potential for therapy to be delivered through the Child and Adolescent Mental Health Services (CAMHS).

4.9 Planning Restrictions on Fast Food Restaurants

The spotlight review received a presentation from Strategic Planning providing detail of National Planning Guidance which provides guidance to limit the proliferation of fast food takeaways where clear evidence from public health exists. Local policy E6 in the Core Strategy can be used to restrict takeaways, however not on health grounds but in order to retain the character of an area. Strategic Planning could look at clear evidence from the Council's public health team to develop a policy in the future.

5 Summary of Recommendations

From our findings, the spotlight review would like to make the following **14 recommendations** to the executive and ask that they are given appropriate consideration:

Dental Health

5.1 Recruitment of dentists

Recommendation –

- i) NHS England West Midlands is recommended to investigate methods and identify best practice in other areas to increase the levels of recruitment of dentists in Herefordshire.**

5.2 Dental Access Centres and Rurality

Recommendations –

- ii) **That the children and young people scrutiny committee supports NHS England’s review of the provision of dental access centres to determine if they are providing an effective and cost-efficient service to the rural population of Hereford;**
- iii) **NHS England is recommended to consider alternative methods of providing dental care to rural populations including the provision of mobile dental services;**

5.3 Early Years dental access

Recommendations –

- iv) **The children and young people scrutiny committee supports NHS England West Midlands, and the executive in the shared aim of promoting the attendance of children under 2 at dentists;**
- v) **NHS England West Midlands, the executive and the health and wellbeing board are recommended to coordinate efforts in the promotion of campaigns to encourage early years attendance at dentists;**
- vi) **NHS England West Midlands is asked to provide details of the number of children below the age of 2 attending dentists in Herefordshire;**

5.4 Sugary food advice

Recommendation –

- vii) **The executive is recommended to undertake a campaign to highlight those foods which are harmful to teeth and those which are sugar smart;**

5.5. Access to dentists

Recommendations –

- viii) **NHS England West Midlands is recommended to provide clarity regarding how people access dental services;**
- ix) **NHS England West Midlands is recommended to work with dental surgeries to ensure that information about capacity and access on websites is up to date;**

5.6. Fluoridation

Recommendation –

- x) **The executive is recommended to expedite a feasibility review of fluoridation in all of Herefordshire’s water supplies (mains and private) through the Oral Health Strategy Group and produce a full cost and health benefit analysis of it’s potential introduction;**

Childhood Obesity

5.7 Maternity Services

Recommendation –

- xi) The CCG is recommended to include in the review of maternity services: methods of promoting a healthy ante-natal and post-natal weight for mothers; consideration of the weighing of pregnant mothers by midwives and setting target weights; and the promotion of breast feeding.**

5.8 Obesity and Mental Health

Recommendation –

- xii) The executive and CCG as joint commissioners of mental health services are recommended to consider the provision of therapy to address underlying mental health causes of excess weight and impacts of childhood obesity;**

5.9 Planning Restrictions on Fast Food Restaurants

Recommendations –

- xiii) The executive is recommended to use public health data to identify areas where evidence exists to support a restriction on fast food takeaways; and**
- xiv) The executive is recommended to evaluate the introduction of a policy to regulate the prevalence of fast food outlets in those areas identified.**

Children and Young People Scrutiny Committee

1 October 2018

Work Programme 2018/19

Meeting date: 14 May 2018 – 10.15 a.m.		Despatch: 3 May	
Item	Description	Report Author	Form of Scrutiny
Learning Disability Strategy 2018 - 2028	To preview the draft learning disability strategy before it is presented to the cabinet for approval. The committee is asked to agree recommendations and comments to submit to the cabinet member health and wellbeing for consideration during the finalisation of the strategy.	Adam Russell	Pre-decision call-in
Children's Safeguarding and Family Support Performance Data	To receive a quarterly performance report on safeguarding measures.	Vicki Lawson/Chris Jones	Performance review
Briefing	NEETs – current level of NEETs, new data recording system; and breakdown of statistics around rural/urban/market towns/gender/traveller community. Regional Schools Commissioner – briefing note on role of the RSC and areas of overlap with the council. Provision of children's rights and advocacy service	Louise Tanner Lisa Fraser Sandra Griffiths	
Meeting date: 16 July 2018 – 2.00 p.m.		Despatch: 6 July	
Children and Young People Plan	To receive the draft children and young people plan ahead of its presentation to Cabinet and Council. To make recommendations on the draft plan.	Richard Watson, Amanda Price	Pre-decision call-in
Adoption Service and Fostering Service annual reports	To receive the annual reports from the adoption and fostering services and consider the outcomes and recommendations. To make recommendations to the cabinet member on the operation of the services during 2018/19.	Gill Cox	Performance review

Child Protection Numbers	To receive an update on the number of children currently subject to child protection arrangements and to make any necessary recommendations to the Cabinet Member.	Jane Hoey	Performance review
Meeting date: 17 September 2018 – 10.15 a.m.		Despatch: 7 September	
Youth Justice Plan	To endorse the Youth Justice Plan 2018/19 for approval by full Council and consider whether there are any comments the committee would wish to make that would inform the production of the Plan for 2019/20.	Keith Barham	Pre-decision call in of Policy Framework Item
Education Strategy	To preview the draft education strategy before it is presented to the cabinet for approval. The committee is asked to agree recommendations and comments to submit to the executive for consideration during the finalisation and approval of the strategy.	Lisa Fraser	Pre-decision call in
Implementation of the Corporate Parenting Strategy action plan	To consider the updated action plan to the corporate parenting strategy and receive a performance report against the objectives	Gill Cox	Performance review
Briefing paper	Autism Strategy update		
Meeting date: 1 October 2018 – 2.00 p.m.		Despatch: 21 September	
Herefordshire Safeguarding Children's board annual report	To consider the annual report and any recommendations contained within it. To assess if the report provides assurance and make comments and recommendations to the council and cabinet.	Sally Halls/Ann Bonney	Performance review
Referrals to the Multi Agency Safeguarding Hub	To receive a report concerning referrals to the MASH from agencies and in particular the Police.	Liz Elgar	Performance review/policy review and development
Ofsted action plan	To consider the action plan established following the Ofsted inspection in June 2018. To make recommendations to the executive on those actions identified.	Chris Baird	

Meeting date: 12 November 2018 – 10.15 a.m.		Despatch: 2 November	
Childcare sufficiency report	To preview the draft childcare sufficiency report before it is presented to the cabinet for approval. The committee is asked to agree recommendations and comments to submit to the cabinet member young people and children's wellbeing for consideration during the finalisation of the strategy.	Andrew Hind	Pre-decision call-in
Scrutiny Panel – LAC reduction project	To receive a report of the outcomes of the scrutiny panel to provide an oversight of progress against the proposal to reduce the number of looked after children and associated resource implications, including the medium term financial target.	Chris Baird	Performance review
Section 20 Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairperson of T&F	Policy review and development
Recommendations from the Spotlight review	To consider and approve the recommendations emerging from the spotlight review concerning dental health and childhood obesity.	Chairperson of T&F	Policy review and development
Meeting date: 29 November 2018 – 3.00 p.m.		Despatch: 21 November	
Budget and Medium Term Financial Strategy (MTFS)	To seek the views of the committee on the draft medium term financial strategy (MTFS) 2017-21 and the budget proposals for 2019-20 relating to Children and Families.	Andrew Lovegrove, Audrey Harris	Pre-decision call-in/Policy review and development
Meeting date: 4 March 2019 – 2.00 p.m. (Potential alternative venue)		Despatch: 8 February	
Young Carers Service	To consider an update report on progress with the implementation of the young carers service. To involve evidence from Young Carers.	Danielle Mussell, Richard Watson	Performance review
School Examination Performance	To consider school performance of summer 2018 and make recommendations to cabinet on how the effectiveness of the school improvement framework and strategy could be enhanced.	Lisa Fraser	Performance review

Referrals to the Multi Agency Safeguarding Hub (MASH)	Update on the level of referrals from the Police to the MASH and engagement between the Police and early help service.	Liz Elgar	Performance Review
Quarterly review of performance against the Ofsted action plan	Quarterly review of the progress against the action plan produced in response to the Ofsted judgement in June 2018.	Liz Elgar	Performance Review
SEND Provision Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development
PRU Referrals Task and finish group – recommendations and outcomes	To present the final report of the task and finish group to the Children and Young People Scrutiny Committee.	Chairman of T&F	Policy review and development
Briefing paper	<p>Improvement Plan – six monthly report of progress against the improvement plan.</p> <p>Update on the Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015 – 2020</p> <p>New Safeguarding Monitoring Arrangements – To receive details of proposed safeguarding monitoring arrangements in Herefordshire under new legislative provisions.</p> <p>Outcome of internal audit review of section 20 arrangements and processes.</p>		
Meeting date: 25 March 2019 – 10.15 a.m.		Despatch: 5 March	
Work Programme 2019/20 and meeting dates	To agree the Committee's work programme and meeting dates for 2019/20.	Matt Evans	

Scrutiny Panel – a panel of two members of the committee is currently in operation to provide an oversight of progress against the savings proposal to reduce the number of looked after children. Councillors Gandy and Seldon comprise the Panel.

Task and Finish Groups – Section 20 Orders – two meetings undertaken to date – final meeting on 4 October 2018 with recommendations reported to committee on 12 November 2018.

– SEN Provision – Four meetings arranged with recommendations reported to committee in March 2019.

– PRU referrals – Three meetings arranged with recommendations reported to committee in March 2019.

Spotlight review – Dental Health and Childhood Obesity – took place on 17 September 2018. Recommendations to be reported to committee on 12 November 2018.

Business to allocate

- Bereavement Services
- 12 month report of progress against the improvement plan
- Public Health nursing update

Appendix – recommendation tracker 2018/19

Schedule of Children and Young People Scrutiny Committee recommendations made and actions in response

Meeting	item	Recommendations	Action	Status
5 July 2017	Corporate Parenting Strategy 2017 – 2020	<ul style="list-style-type: none"> - The committee welcomes the strategy, supports the priorities identified and agrees to provide a summary of comments and recommendations to the cabinet member; - The committee requests annual performance reports relating to the action plan in the strategy; - The committee provides a forum, where appropriate, for children and young people in care and care leavers to hold their Corporate Parents to account; - The members of the committee facilitate training, with officers, on corporate parenting to all members of Herefordshire Council; - The committee recommends that the cabinet member reviews the measures for success and outcomes sought in the action plan on a regular basis to see whether any measures need to be strengthened; - The committee recommends that procedures are introduced to ensure that significant decisions of the council take account formally of likely implications for looked after children; - The committee recommends that members undertake a mentoring role, where 	<p>Response of executive:</p> <p>The draft strategy was discussed at the children’s scrutiny committee on 5 July 2017; they are supportive of the strategy and associated action plan and have requested that an annual update on its implementation is presented to the committee. The recommendations have been considered by the cabinet member young people and children’s wellbeing and as a consequence children’s scrutiny is referred to in the action plan:</p> <p>Corporate Parenting Action Plan 2017-20</p>	Completed

		<p>appropriate, for looked after children to share skills and experience to help enhance personal development and there is consideration of how this is best facilitated and publicised; and</p> <ul style="list-style-type: none"> - The committee recommends that methods and strategies are investigated to engage partners and businesses in corporate parenting. 		
	Annual reports for the fostering and adoption services	<p>Resolved – that:</p> <ul style="list-style-type: none"> a) the committee notes the annual reports from the adoption and fostering services and agrees to feedback comments to the cabinet member; and b) the adoption and fostering reports are considered as separate agenda items in future years. 	Adoption service and Fostering service annual reports allocated to the draft work programme 2018/19 for committee on 16 July 2016.	Completed
2 October 2017	Commissioning intentions for universal and early help services for children, young people and families	<p>Resolved - That the committee:</p> <p>supports the extension of the family befriending services contracts with the existing providers to the end of March 2018;</p> <p>has significant concerns about the commissioning exercise proposed. The cabinet members for health and wellbeing and young people and children's wellbeing are asked to have regard to the committee's concerns, particularly:</p> <ul style="list-style-type: none"> - i) The reported lack of consultation concerning safeguarding arrangements and engagement 	<p>Response of executive:</p> <p>i) The intention to re-procure health visiting and school nursing services has been in the public domain since August 2016. CCG colleagues have been involved in steps taken thereafter to inform future commissioning intentions. There has been an opportunity to raise any issues or questions regarding procurement, during this time.</p> <p>A generalised concern regarding safeguarding arrangements had been</p>	Completed.

		<p>with the Herefordshire Safeguarding Children's Board;</p> <ul style="list-style-type: none"> - ii) The provision of services in rural areas; - iii) The requirement for additional detail in the report, in particular the contract specification ; and - iv) A reported lack of communication with the CCG. <p>requests that, before a decision is taken on the proposal, the cabinet members share additional information with the committee, including the contract specification.</p>	<p>raised by the CCG very recently prior to the scrutiny committee meeting and reassurances were provided to the CCG that discussions to understand the detail would be welcome and these have since been initiated.</p> <p>Issues relating to <i>safeguarding</i> commissioning responsibilities are resolvable through further discussion.</p> <p>There is no requirement to present the commissioning proposal to the Herefordshire Safeguarding Children's Board, because the service will be required to adhere to all national and local policies, guidance, standards and procedures.</p> <p>Further discussion and an agreed way forward have been made with the Chair of the Children's Safeguarding Board, including a request to include reference to safeguarding within this paper (see para 7).</p> <p>ii) It is recognised that there are challenges in delivering timely and accessible services across a rural county and this has been reflected in the draft specification. To respond to those challenges, the provider will be required to ensure that access is available via drop-in sessions (which could be held in any community facility or venue), clinics, home visits, telephone contact, texting and other formats appropriate for the families and community. Broadband</p>	
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			<p>coverage across the county is currently 83% (30Mbps) so the provider will need to demonstrate how they will work with families who currently have no access to broadband or where phone signals are not available. The provider will also be expected to be organised around geographical areas/localities and pragmatically structured in line with local children's centre reach areas. The provider will also identify a named public health nurse link to each GP practice, children's centre and school, in order to facilitate local liaison, information-sharing and joint working in the best interests of families.</p> <p>iii) the draft specifications for the commissioning of 0-25 PH Nursing services and family mentoring services, to which have been added the requested additional detail relating to targets and outcomes and key issues outlined in the JSNA, have been made available, by exemption, to council members of the Children's Scrutiny Committee</p> <p>iv) This concern is not accepted and a summary of engagement activity is provided below:</p> <ul style="list-style-type: none">• Representatives from the CCG have been engaged since August 2016 when CCG requirements were reviewed;• a public online survey was launched	
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			<p>in November 2016;</p> <ul style="list-style-type: none"> • stakeholder engagement events To which GP and CCG representatives were invited were held during December 2016 through to end of January 2017; • feedback events were held in February 2017; • an early years review/scoping workshop held in May 2017; • Soft market testing was undertaken June/July 2017; • Updates have been provided to a Joint Commissioning Board which includes representatives of the CCG and reports to the CCG Board in August/September 2017; • Engagement/information session with GPs on key principles to be incorporated into the specification, was held in October 2017.and ongoing engagement agreed re implementation arrangements. 	
	Herefordshire safeguarding	Resolved – that:	Update from Chair of HSCB containing <i>Model Initial Parish Action Plan for</i>	Completed

	children's board (HSCB) annual report 2016/17 and business plan 2017/19	a) The annual report and effectiveness of the safeguarding arrangements for children and young people in Herefordshire as assessed by the Board are noted; and b) The strategic priorities identified by the Board are noted.	<i>Promoting a Safer Church</i> and latest detail with reference to work on the role of Parish Councils in safeguarding children.	
	Outcomes of casework peer review	Resolved – that the committee notes the report and offers congratulations to the teams involved in the review for the positive feedback received.		Completed
	Children's Wellbeing self-assessment	Resolved – that the committee notes the draft self-assessment document for the Children's Wellbeing Directorate.		Completed
4 December 2017	Children and Young People Mental Health Partnership	That the committee: supports the response of the CCG to the task and finish group recommendations; supports the objectives of the Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015 – 2020; and requests an update report on the implementation of the plan in 2018.	To determine the timing an update on the implementation of the plan in 2018. A briefing note will be provided to the committee in March 2019.	Completed
	Children's Wellbeing self-assessment – update	That the Committee: endorses the self-assessment in its current form; and agrees that the comments raised by the committee are circulated to the cabinet member.	Excerpt of minutes detailing the discussion sent to the cabinet member for Children and Young People.	Completed

5 February 2018	School Examination Performance	<p>Resolved – that the committee:</p> <p>Recognises positive attainment in a number of areas of school examination performance but in particular in the field of phonics;</p> <p>Requests a briefing note on the current level of NEETs, the new data recording system and a breakdown of statistics to include indicators around rural/urban/market towns/gender/traveller community;</p> <p>Requests a briefing note on the role of the Regional Schools Commissioner and a focus on areas of overlap with the Council; and</p> <p>Agrees to write to government to express concern regarding the lack of regulation and monitoring in respect of home schooling. The correspondence should include reference to the potential impacts of home schooling upon the educational achievements of children and safeguarding responsibilities of the Council.</p>	<p>Correspondence sent to Nadhim Zahawi MP, Parliamentary Under Secretary of State for Children and Families. Copied to Jesse Norman MP and Bill Wiggin MP.</p> <p>Response received.</p>	
	Children and Young Peoples Plan	<p>Resolved - that the committee:</p> <p>Supports the inclusion of: obesity; dental health; mental health and wellbeing; transport; and youth facilities as key areas of focus for the plan;</p> <p>Supports the implementation of a robust monitoring framework for the new version of the Plan; and</p> <p>Asks for the draft Plan to be presented to the</p>	<p>Allocated to the committee's draft work</p>	<p>Completed</p>

		committee ahead of consideration at Cabinet and full Council.	programme 2018/19 for committee on 16 July 2018.	
16 April 2018	Autism Strategy for Herefordshire 2018 – 2021	<p>Resolved – that:</p> <p>(a) the significant successes achieved in the first Herefordshire autism strategy published in 2014 be recognised;</p> <p>(b) the outcomes identified by the strategy and the means in the action plan to achieve these ends be supported but noting that the committee would like to see more detailed milestones;</p> <p>(c) it be requested that as the action plan evolves additional base line data is included in the action plan to ensure tangible and quantifiable measures of performance and success, particularly in respect of improving diagnosis rates;</p>	<p>Resolutions of the Committee sent to the Executive for a response.</p> <p>Resolution (e) sent to the Herefordshire CCG for consideration.</p> <p>Executive response – 18/10/2018:</p> <p>(a) The significant successes achieved in the first Herefordshire autism strategy published in 2014 are now incorporated into the 2019-2022 strategy;</p> <p>(b) The outcomes identified by the strategy and the means in the action plan to achieve these ends are now supported by a detailed implementation plan with timescales for completion, the responsible organisation who will lead and the required performance measures;</p> <p>(c) Additional base line data is now included in the action plan to ensure tangible and quantifiable measures of performance and success where this is available. Where this is not available the action plan itemises the data required to be captured or processes required to be changed in order to facilitate this;</p>	Completed

		<p>(d) the executive be asked to investigate the development of a system/process to ensure an accurate picture of the incidence of autism across Herefordshire can be produced;</p> <p>(e) efforts to improve diagnosis rates and the recording of autism within GP patient records be supported and Herefordshire Clinical Commissioning Group asked to take this initiative forward as a matter of priority;</p> <p>(f) the executive be asked to take steps to work more closely with independent and private schools in Herefordshire to share data regarding enrolled autistic pupils to enable the production of comprehensive statistics of pupils in the county with autism;</p> <p>(g) the executive be asked to consider methods to promote employment at the council to people with autism;</p> <p>(h) the executive be asked to consider contacting key local organisations, such as Halo leisure, to ensure they promote autism-friendly service provision;</p>	<p>(d) The action plan outlines a review of diagnosis pathways in Herefordshire which will begin to address issues around formal diagnosis in Herefordshire and has been signed off by Joint Commissioning Board;</p> <p>(e) Initiatives to improve diagnosis rates and the recording of autism within GP patient records are itemised and supported by Herefordshire Clinical Commissioning Group;</p> <p>(f) Improved sharing of data with independent and private schools in Herefordshire regarding enrolled autistic pupils, which will enable the production of comprehensive statistics of pupils in the county with autism;</p> <p>(g) The development of employment pathways are now an action within the implementation plan;</p> <p>(h) Universal services are included within the strategy and the plan outlines the promotion of autism-friendly service provision as a key activity for the local branch of the National Autistic Society and the Autism Partnership Board;</p>	
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		<p>(i) the executive be asked to ensure that the Herefordshire branch of the National Autistic Society and the Hereford Autism Partnership are consultees during the planning process to ensure that new housing and public access buildings have autism-friendly design considerations;</p> <p>(j) the executive be asked to investigate proposals to ensure that new and existing council buildings and facilities are autism-friendly; and</p> <p>(k) the executive be asked to consider autistic-awareness training for new members of staff and elected members of the Council and ensure that all members are able to disseminate good practices within their local communities.</p>	<p>(i) The implementation plan outlines mechanisms for the Herefordshire Autism Partnership board to produce best practice guidelines for council buildings, new housing and public access buildings to have autism friendly design considerations;</p> <p>(j) As above</p> <p>(k) Autism awareness training is a key theme throughout all the priorities, and targets have been built into the plan to roll this out further, with key target workforces and metrics.</p>	
	LGA Safeguarding Peer Review Feedback	<p>Resolved – that:</p> <p>(a) a report be submitted on the referrals to the MASH, in particular those by West Mercia Police, for review by the Committee;</p> <p>(b) it be requested that corporate parent training for all members be made mandatory;</p> <p>(c) progress on actions in the finalised improvement plan is reported to the Committee, at 3, 6 and 12 months to enable it to be monitored; and</p> <p>(d) the Committee’s recognition and support of the work of staff in this challenging area be noted.</p>	<p>(a) Report received at committee meeting on 01/10/2018.</p> <p>(b) corporate parenting is a mandatory training module and must be completed within three months of being elected.</p> <p>(c) briefing notes for progress at 3 and 6 monthly intervals added to the work programme. The 12 month progress report to be allocated to the first committee in the new term.</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>

14 May 2018	Learning Disability Strategy 2018 – 2028	<p>Resolved – that the committee:</p> <p>(a) supports the strategy and requests the missing information, concerning health and wellbeing outcomes and social impact, and the implementation plan is shared with the committee when available;</p> <p>(b) requests that the executive prioritise the incorporation of improved metrics in the strategy to measure progress and provide evidence that objectives are realising desired outcomes;</p> <p>(c) requests that the executive considers making updates on the development and implementation of the strategy available through an appropriate forum e.g. the corporate budget and performance report;</p> <p>(d) asks the executive to provide a report to the committee, in due course, on the re-modelling of the Learning Disability Partnership Board;</p> <p>(e) asks the executive to consider appointing a member champion for learning disabilities;</p> <p>(f) asks the executive and the CCG to investigate methods of utilising learning disability registers, held by GP surgeries, to provide evidence for those with learning disabilities to more easily obtain bus passes;</p>	<p>Executive response, 7 June:</p> <p>(a) Agreed. The information will be circulated to committee members by 01 October 2018 and it will be for the committee to determine whether to include further consideration in its work programme;</p> <p>(b) Agreed. This will form part of the first years activity in the implementation plan.</p> <p>(c) Agreed. Progress will be reported through the quarterly corporate performance reporting process.</p> <p>(d) Agreed. The information will be circulated to committee members by 31 December 2018 and it will be for the committee to determine whether to include further consideration in its work programme</p> <p>(e) Agreed. A draft role profile will be prepared and the Leader of the Council will consult with political group leaders before making an appointment.</p> <p>(f) Not agreed. Whilst the problem is recognised, there are still complex issues with accessing and sharing learning disability registration data in order to achieve this specific outcome. The requirement for and provision of qualifying</p>	Completed
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		<p>(g) asks the executive to investigate the promotion of a scheme, similar to the Gloucestershire 50/50 strategy, in Herefordshire to encourage employment opportunities for people with learning disabilities; and</p> <p>(h) ensures that following the adoption of the strategy, the CCG and the 2gether Trust are held to account for those elements of the strategy for which they are responsible.</p>	<p>information for exemption schemes will be considered across the whole of the health and wellbeing pathway.</p> <p>Recommendation amended at committee on 16/07/2018 below.</p> <p>(g) Agreed. Knowledge gained from the Gloucestershire 50/50 learning disability employment strategy will be incorporated into planned work to promote employment opportunities for people with learning disabilities in Herefordshire and that this will form part of the 2018-19 implementation plan;</p> <p>(h) This is not a function of the executive. The scrutiny committee may review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations directly to the relevant body.</p>	
	Children's safeguarding and family support performance data	Resolved - that a report concerning referrals to the MASH is added to the work programme for the committee in September to include an invitation to Sally Halls to participate in the item and access to comparative data from other local authorities.	Item added to the Committee's work programme for 17 September.	Completed
16 July 2018	Minutes of the previous meeting (14 May)	<i>'f. asks the executive and the CCG to investigate methods of joint working with GP surgeries to assist those with learning disabilities to more easily obtain bus passes'</i>		

		RESOLVED: that subject to the change outlined above the committee approves the minutes of the meeting on 14 May 2018.		
	Fostering and Adoption Annual reports	<p>RESOLVED: that the committee:</p> <ol style="list-style-type: none"> 1) Expresses concern regarding the lack of progress in joining a regional adoption agency and the executive is requested to undertake any available actions to expedite membership of Adoption Central England; 2) Requests clarification regarding how the overspends of the fostering service and external fostering budget in 2017/18 have been addressed; 3) Asks the executive to approach local cultural and leisure providers to attempt to secure concessionary rates for looked after children; and 4) Notes the annual reports 2017/18 for the fostering and adoption services. 	Executive response – 27/09/2018	Completed
	Children and Young People	RESOLVED: that the Committee recommends that the Plan includes reference to:		

	Plan 2018 - 2023	<p>a) the impact of poverty and deprivation on children and young people;</p> <p>b) refugee and migrant children and families; and</p> <p>c) the issue of County lines under the <i>be safe from harm</i> priority.</p>		
17 September 2018	Youth Justice Plan 2018-2019	<p>RESOLVED: that the Committee:</p> <p>a. endorses the Plan for presentation to full Council;</p> <p>b. notes the improvement in the rate of first time entrants across West Mercia but recognises further progress is required to reduce the rate in Herefordshire;</p> <p>c. supports an increase in the use of informal responses, such as community resolution, to divert young people from the formal justice system and recommends that this is progressed as a priority;</p> <p>d. expresses concern regarding the persistently high level of reoffending in Herefordshire and recommends that the General Scrutiny Committee review the reducing youth offending delivery plan, being produced by the Herefordshire Community Safety Partnership, and also scrutinises the CSPs approach to youth crime and anti-social</p>	<p>Recommendations a,b,c and f sent to the Youth Justice Service – 20/09/2018</p> <p>Recommendation d sent to the chairman of the general scrutiny committee – 20/09/2018</p>	Completed

		<p>behaviour;</p> <p>e. agrees witnesses from the police, the CSP and other relevant partners such as Addaction will be invited to participate in the committees future consideration of the Youth Justice Plan; and</p> <p>f. requests that the Plan incorporates clarity regarding why it is produced, to whom it is aimed and the communities it serves.</p>		
	Corporate Parenting annual Update	<p>RESOLVED: that the Committee:</p> <p>a. notes the update and recognises the progress made;</p> <p>b. asks the executive to encourage all members to use local contacts to identify employment and work experience opportunities for LAC; and</p> <p>c. agrees to write to local cultural providers to request concessions for LAC.</p>	<p>b. a letter will be sent to all Councillors who have not previously responded asking them to identify work experience and employment opportunities that they may be able to broker on behalf of looked after children and care leavers.</p> <p>c. letters circulated 25 October 2018</p>	Completed
	Education, Development and Skills Strategy 2018-2021	<p>RESOLVED: that the Committee:</p> <p>a. supports the Strategy as a high level statement of intent and requests that further detail on the individual projects are circulated when available; and</p> <p>b. requests that the committee is involved in the review of the SEND strategy.</p>		

1 October 2018	Referrals to the multi-agency safeguarding hub	RESOLVED - That the committee notes the report and requests that an update on the level of referrals and engagement between the Police and early help service is provided to a meeting of the committee in March 2019.	Update report allocated to the meeting of the committee on 4 March 2019	Completed
	Outcome of Ofsted inspection of local authority children's services and action plan	<p>RESOLVED – That the committee:</p> <ul style="list-style-type: none"> • endorses the action plan; • allocates a quarterly item to its work programme to assess progress against the action plan; and • welcomes those positive elements emerging from the inspection including: safeguarding arrangements; looked after children and early help; care leavers; children with disabilities; children at risk of sexual exploitation or wider exploitation; the Council's approach to elective home education; and children who go missing. 	<p>First quarterly report allocated to the meeting of the committee on 4 March 2019.</p> <p>Considered by Cabinet on 18/10/2018</p>	Completed
	Herefordshire Safeguarding Children Board (HSCB) Annual Report 2017/18	<p>RESOLVED – that:</p> <ul style="list-style-type: none"> • The HSCB annual report 2017/18 is noted and the committee recognises the concerns raised by the Chair of the Board; • The committee receives details of proposed safeguarding monitoring arrangements in Herefordshire under new legislative provisions; and • Following the implementation of new safeguarding monitoring arrangements in 	Update report allocated to the meeting of the committee on 4 March 2019	Completed

		Herefordshire from 2019 the committee reviews the involvement and commitment of all agencies.		
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