

Agenda

Children and young people scrutiny committee

Date: **Tuesday 7 September 2021**

Time: **2.30 pm**

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

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

For any further information please contact:

Sarah Buffrey, Democratic Services Officer

Tel: 01432 260176

Email: sarah.buffrey@herefordshire.gov.uk

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

Membership

Chairperson Councillor Phillip Howells
Vice-chairperson Councillor Jennie Hewitt

Councillor Graham Andrews
Councillor Toni Fagan
Councillor Helen l'Anson
Councillor Mike Jones
Councillor David Summers

Andy James
Sam Pratley

Hereford Diocese

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 declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting on 5 August 2021.</p>	9 - 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 Wednesday 1 September 2021.</i></p> <p><i>Accepted questions and answers will be published as a supplement prior to the meeting. Please submit questions to:</i> councillorservices@herefordshire.gov.uk. <i>Further information and guidance is available at</i> www.herefordshire.gov.uk/getinvolved</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 Wednesday 1 September 2021.</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>UPDATE ON CHILDREN'S LEGAL TEAM IMPROVEMENT PLAN</p> <p>To update the committee on the progress made on the Children's Legal Team Improvement Plan since the last report on 20 May 2021.</p>	15 - 46
8.	<p>CHILDREN'S SERVICES IMPROVEMENT JOURNEY</p> <p>To update the committee on progress concerning the Children's Services Improvement journey.</p>	47 - 70
9.	<p>WORK PROGRAMME REVIEW</p> <p>To review the attached work programme for 2021/22 and responses to recommendations previously made by the committee.</p>	71 - 104

10. DATE OF NEXT MEETING

Tuesday 12 October 2021 at 2:30pm



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- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services->

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Minutes of the meeting of Children and young people scrutiny committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 5 August 2021 at 2.30 pm

Present: Councillor Phillip Howells (chairperson)
Councillor Jennie Hewitt (vice-chairperson)

Councillors: Graham Andrews, Toni Fagan, Kath Hey, Helen I'Anson and Mike Jones

Mr Sam Pratley – education co-optee (as a virtual attendee without voting rights)

In attendance: Councillor Diana Toynbee, cabinet member for children and families (virtual attendee)

Officers: Interim director of children and families and Acting deputy chief executive - solicitor to the council

13. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Jim Kenyon and Mr Andy James.

14. OPENING REMARKS

The cabinet member for children and families was welcomed to the meeting and it was noted her portfolio had now expanded to include young people's attainment. The cabinet member addressed the committee, highlighting the changes that had taken place in senior management in children's services directorate and new membership of the scrutiny committee. She also spoke on the improvement journey and role that the scrutiny committee would play in this.

The chairperson of the committee welcomed attendees and commented on the important work the committee had ahead, on a training programme being prepared for committee members and the need to be flexible in arrangements for future meetings.

15. NAMED SUBSTITUTES

There were no named substitutes.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES

It was resolved that the minutes of 20 May 2021 be approved as an accurate record and signed by the chairperson.

The chairperson drew attention to two points that had been raised regarding the minutes of 1 June 2021.

Under item 8 the minutes recorded in the first bullet point that “The number of children in care in the county was slightly higher than in statistical neighbours but there could be many different reasons for this”. This had been challenged by a member of the public who felt that the difference in figures for Herefordshire from comparator authorities was significant. It was confirmed that the presenting officer had used the words ‘slightly higher’ and agreed that the minutes were therefore an accurate record of the meeting. However committee members were invited to note the scale of difference in the figures.

Under item 9 recommendation (d) should have included the words ‘and included as standard in any similar documents produced in future’ at the end. This amendment was accepted.

It was resolved that the minutes of 1 June 2021, as amended, be approved and signed by the chairperson.

18. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)

The question and response are attached as appendix 1 to the minutes.

The chairperson explained to the committee that a second public question had been deferred.

19. QUESTIONS FROM MEMBERS OF THE COUNCIL

No questions were received from members of the council.

20. YOUTH JUSTICE PLAN 2021 - 2022

The committee received a presentation from the head of service for the West Mercia Youth Justice Service.

The committee discussed the report and questioned the head of service and the interim director for children and families. The debate highlighted:

- The need for wider consultation and to include the voice of the child;
- The interaction of the youth justice service with other teams, and young people themselves including regarding the transition to adulthood;
- The use of restorative justice activities;
- The reasons for the reduction in first time entrants and the use of diversionary activities;
- The required improvements in the resettlement policy, learning from examples of good practice;
- The development of the new national standards, published in 2019, and the improvement plan for the West Mercia service;
- An offer to provide a briefing session for all councillors on the work of the Youth Justice Service.

The cabinet member for children and families was invited to comment and it was noted that the plan would also be considered by Cabinet before being presented to Council for endorsement.

Recommendations were proposed and seconded and it was unanimously resolved that:

- (a) the committee endorse the Youth Justice Plan 2021-2022 for presentation to Council;**
- (b) a written briefing be provided on diversionary schemes and activities;**

- (c) a copy of the national standards and improvement plan be shared with the committee;**
- (d) for the 2022/23 iteration of the plan the committee recommends the inclusion of:**
 - **increased evidence of consultation with young people and the wider public;**
 - **evidence on staff consultation; and**
 - **more information on progress on county lines, exploitation and peer on peer abuse.**

21. CO-OPTEE MEMBERSHIP OF SCRUTINY COMMITTEES

The acting deputy chief executive (solicitor to the council) presented the report to the committee.

The committee discussed the report and questioned the acting deputy chief executive and the interim director for children and families. The suggestion from a member of the public to include an additional co-optee as a representative of families who were or had previously been supported by social workers was considered. Key points raised included

- The existing options available to the committee to draw on evidence from experts and lived experience;
- The role of Council in appointing standing co-optees and establishing voting rights;
- The need to process re-appointments as quickly as possible and a discussion on what the term of service of co-optees should be;
- How complaints raised through the code of conduct were dealt with;
- The recruitment process for an additional adult co-optee to represent families with experience of the care system;
- The need for safeguarding training for all members of the committee, including co-optees;
- The role of the participation officer and how the voice of the child could be incorporated in reports to the committee.

Recommendations were proposed and seconded and it was unanimously resolved that:

- (a) the process for the appointment of co-optees set out in appendix one be adopted;**
- (b) the process be used to appoint one representative from the teaching sector;**
- (c) the term of service of co-optees be reviewed with a view to making appointments for more than one year and up to four years, linking to the election cycle;**
- (d) the process be used to recruit an adult representative of families who are or have been supported by social workers and Council be asked to appoint an additional co-optee at its next suitable meeting;**
- (e) the induction of co-optees be more structured and include safeguarding training; and**
- (f) consideration be given to how the participatory officer could bring the voice of the child to the committee as and when needed.**

The cabinet member for children and families left the meeting at 16:27.

Clr Hey left the meeting at the conclusion of this item at 16:36.

22. WORK PROGRAMME REVIEW

The committee reviewed the draft work programme for 2021/22 and discussed priorities for the following two meetings.

The agenda for the September meeting would focus on improvement work and be confirmed following the meeting of the improvement board taking place on 9 August.

The interim director for children and families advised that the annual reports from the independent reviewing officer and child protection were a priority for consideration at the October meeting. It was noted that an update on the impact of the pandemic on opportunities for school and care leavers could be delivered as a written briefing note.

A briefing session on the work of the Youth Justice Service would be arranged as part of the training offer and made available to all councillors and co-opted members of the committee.

Recommendations were proposed and seconded and it was unanimously resolved that:

- (a) the committee agrees the 2021/22 work programme and meeting dates as set out in appendix 1 with the amendments as discussed;**
- (b) the committee notes the updated recommendation tracker in appendix 2;**
- (c) a work programming session be held after the September 2021 meeting.**

The meeting ended at 5.05 pm

Chairperson

Supplement – schedule of questions received for meeting of children and young people scrutiny committee – 5 August 2021

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

Question Number	Questioner	Question	Question to
PQ 1	F Reid, Herefordshire	Many public organisations use Experts by Experience, for example, many NHS trusts and the Independent Review of Children’s Social Care. Would the Children and Young People Scrutiny Committee promote the co-opting on to the committee of a representative of families who are or have been supported by social workers at the next Annual General Council Meeting or, if possible, earlier?	Chairperson of Children’s Scrutiny
Response: The council is open to additional members being on the committee who are not elected members and the constitution enables this committee to co-opt a maximum of two non-voting people as and when required. As the committee has a paper on co-option at this meeting we can consider this request under item 8.			

8



Title of report: Update on Children's Legal Team Improvement Plan

Meeting: Children and young people scrutiny committee

Meeting date: Tuesday 7 September 2021

Report by: Cabinet member finance, corporate services and planning

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To update the committee on the progress made on the Children's Legal Team Improvement Plan since the last report on 20 May 2021.

Recommendation(s)

That:

- a) **The committee notes the progress made to date and the plan to continue with improvements in the Children's Legal Team.**

Alternative options

1. There are no alternative options.

Key considerations

2. This report provides an update on progress made in the Children's Legal Team since the last report to the committee in May 2021, following the YY judgement and the implementation of the Children's Improvement Plan.

Further information on the subject of this report is available from
Philippa Granthier, Tel: 01432261929, email: Philippa.Granthier2@herefordshire.gov.ukl

3. At the last committee in May 2021 some background information was provided in respect of the Children's Legal Team, a summary of this is provided below:-
4. The Children's Legal Team (the "Team") is one of four (4) teams in Legal Services and advises the council's Children's Social Care service (the "Service") as its professional client. The team has an establishment of 16FTE, consisting of 2 Head of Law posts, 7 FTE Lawyers at various levels of experience and grade, 1 FTE Paralegal and 6FTE Legal Assistants. The team provide advice and representation mainly around childcare, including safeguarding and child protection; Education aspects are provided by another team.
5. Prior to May 2018 the Service was provided with legal advice by Warwickshire Council Legal Services supported by a small in house children's legal team in the council. Following the end of the working relationship with Warwickshire the in house team became the sole legal advisor to the service. At the end of 2019, the then lead solicitor in the children's legal team left the council and so leadership support was provided by way of 2 days support from Warwickshire Council. In March 2020, two senior solicitors in the legal team were appointed on a job share basis as Acting Heads of Law to provide consistent leadership. In April 2020, the council approved a dedicated budget for Legal Services which meant that resources were available to support growing capacity and capability in the team. In April 2021, the redesign of Legal Services was implemented which formalised the structures in each legal team including the children's legal service, with additional roles and development roles including redesigned leadership post, Head of Law and Legal Business Partner Children's Legal Team. Tess Burgess and Kimberley Gaffey have now been appointed on a permanent basis to this leadership role, alongside a further Head of Law for Improvement who takes up post in October 2021.
6. In May 2021 the committee requested that a full project plan was developed capturing key actions and the resources required to ensure delivery of the Resilience and Improvement Plan for the Children's Legal Team. This plan is attached at appendix 1. This plan dovetails with the Legal Service Plan which identifies improvements that need to be made across the entirety of the Legal service, with the aim to provide a high quality proactive service that ultimately meets an industry quality standard, LExcel. Both plans are monitored regularly by the Legal Management Team and the Solicitor to the Council's Senior Management Team.
7. The Resilience and Improvement Plan forms part of the Children's Improvement Plan under the Leadership and Governance pillar, progress on which will be reported via the Children's Improvement Board. An additional £727k pa funding as part of the £5.2million agreed by council is earmarked for improvements in the Legal Service.
8. Key areas of progress since May include:
 - a. The permanent appointment of 2.6 FTE Heads of Law to cover Childcare (business as usual operational team) and Improvement work. The new Head of Law for Improvement starts in early October and has a wealth of experience in improvement work within children's services. A further consultant who sits as a Coroner and Deputy District Judge also starts in the Improvement Team on 1 September.

- b. Notable cases:- The 5 notable cases now have a detailed tracker of directions and hearings, which is monitored for compliance and discussed at weekly meetings with the client service.
- c. Continued representation of the Council in respect of Re YY proceedings
- d. Assurance review of all open cases within the Children and Families Legal Team
- e. Implementation of an escalation policy in the Legal Team and in the client service (at Appendix 2 a copy of the escalation for the client service, the Legal Team escalation policy is in the process of being signed off and can be provided to scrutiny on implementation)
- f. Establishment of a disclosure protocol (this will be provided to the committee following implementation)
- g. Re-organisation of cases and work within the Children and Families Legal Team to establish a pre and post proceedings sub-team with allocated Legal Assistants to support Lawyers.

9. Issues:

- a. Staffing capacity. Unfortunately three members of staff have left the team and the ongoing recruitment to permanent vacant posts has not been successful. Locum capacity has and is being sought but currently staff working on the improvement plan are now also having to conduct cases which will mean delays in certain activities. We are considering assistance from external solicitors too.
- b. Staffing capacity is also affecting the operational team which means that we have high caseloads for staff. The pressures on the team are immense and unfortunately some staff have felt unable to continue on 2 notable cases. Additional locums are being sought (although the market isn't providing many options currently) and on occasion the instruction of external counsel to take on certain hearings. Consideration is also being given to instruction of Solicitor Advocates to support solicitors in the team with hearings so they are given the opportunity to use their time for case management, The Leadership team are monitoring this daily and have undertaken a case by case review to ensure staff have the support they need.

10. Plan for the next 3-6 months:

- a. See Appendix 1 for the Children's Legal Team Improvement Plan which contains the work to be undertaken in the next 3-6 month period (and beyond), this stream of work will be led by the newly appointed Head of Law for Improvement.
- b. Addressing findings and completing actions highlighted from the assurance review of all open cases in the Children's Legal Team.
- c. Implementation of regular file reviews as part of supervision across the Legal Service.

- d. Agreeing a Service Level Agreement between Legal Services and the Directorate setting out roles, responsibilities and expectations.

Community impact

9. The Children's Legal Improvement Plan feeds into the broader Council Children's Improvement Programme with the aim to safeguard and protect Herefordshire children.
10. The term 'corporate parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for children who are looked after by the council. Being a good corporate parent means we should; accept responsibility for children in the council's care; make their needs a priority; and seek for them the same outcomes any good parent would want for their own children.

Corporate parenting responsibilities are not confined to elected members. All officers share the responsibility to promote the needs of looked after children. Key responsibilities of all officers are: to promote the life chances of looked after children and care leavers in their area of responsibility; and to consider the impact of decision making on looked after children and care leavers.

Environmental Impact

11. Whilst this report relates to back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

12. 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.
13. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this plan relates to back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

14. Additional funding of £727k pa for the next 2 years has been approved by full council as part of the £5.2million package of support to the Children's' Improvement Programme. This is specifically to cover staffing costs within the Legal Team to support the improvement activity. This will be monitored through normal budget monitoring processes and via the Resources Board, chaired by the Director of Finance.

Legal implications

15. There are no legal implications with the matters discussed in this report.

Risk management

16. There are no risk implications with the matters discussed in this report.

Consultees

17. None.

Appendices

- Appendix 1. Children's Legal Team Resilience and Improvement Plan.
- Appendix 2. Children's Directorate Internal Escalation Policy
- Appendix 3. Children's Legal Team – case information

Background papers

None identified.

Resilience and Improvement Plan
Legal Services

Objectives:

- a) To support the Interim DCS and Directorate Leadership Team with the Children and Families Improvement Plan
- b) Act as a key partner to the Children and Families Directorate to deliver the Improvement Plan.
- c) Provide representation on the Improvement Operational Group and as necessary to the Improvement Board
- d) Act as an integral partner to any other Steering Group/ Project Group Improvement Board Group(s) as necessary
- e) Support the Children and Family Directorate with quality legal advice, social work practice training, policy development, practice and procedure reviews/ implementation to facilitate the Recovery and Improvement journey.

Outcomes:

- The Children and Families Legal Team (the “Team”) is a highly skilled, motivated and proactive service
- The Team has strong partnerships that have been developed at all levels in the Legal Service and the Children and Families Directorate and with statutory partners
- The Team provides robust quality proactive legal advice to increasingly support continuous learning cycles and help influence and frame consistency of good social care practice and good outcomes for children.

21

Legal Advice and Support to Children and Families Directorate (the client)						
Ref	Priority Area	Activity	Lead Officer within Legal Services	Target date	Progress update	RAG rating
L1	Represent the council during welfare part of YY proceedings	a) Provide legal representation for the LA in respect of the welfare proceedings that are continuing for the children in the YY case.	Supervising Lawyer and Lawyer with conduct of case along with Andrew Norton QC of 1 Garden Court Chambers	July 2021	External Legal representation was present at July hearing; the next hearing took place on August 24 th and legal representation by way of counsel and LS. Further welfare hearings are expected in December 2021	G

		b) Create a court directions tracker to ensure compliance with the court timetable.	Head of Law, Children and Families	March 2021	Tracker created and in use; held and kept updated by a Senior Lawyer	B
		c) Legal Services to attend social work group supervision to comment on any legal issues that arise and to be kept updated on the work that continues to be undertaken with the family	Lawyer with conduct of case	July 2021	Group supervision now takes place on a fortnightly basis at least until conclusion of proceedings	B
L2	Follow up from the YY judgement	a) Hold workshops with SW teams to discuss judgement, deficiencies in practice identified in the judgement, key issues and themes	Lawyer with conduct of case	July 2021	Workshops held Social workers in the directorate are fully briefed on the key themes emanating from the judgement so they have a broader understanding of the criticisms that were being directed at the Local Authority and the key areas where improvements are necessary.	B
		b) Discuss in supervision sessions how work can be done to improve relationship with maternal family	Lawyer with conduct of case	July 2021	Legal Services attend the social work fortnightly group supervision (see L1 above)	B
L3	Establish Special Guardianship Order /Discharge of Care Order (SGO/DISCO) panel in order to provide	a) Hold scoping meetings to discuss how the panel should be formulated	Head of Law, Children and Families / Senior Lawyer	April/May 2021	Completed	B

	legal advice in respect of an application to court and the associated court procedural requirements	b) Create draft protocol for creation of the panel	Case Progression Officer, C&F Directorate	April/May 2021	Completed	B
		c) Sign off protocol of panel at DMT and SGO/DISCO panel is fully operational	AD, C&F Directorate	June 2021	Legal services provided with new procedure and attend weekly legal gateway panels. Meeting arranged 1/9/21 to review effectiveness of panel processes	B
L4	Review the SGO protocol	a) Review the current SGO protocol to ensure it makes reference to the fact that SGO support plans should be drafted after a positive SGO assessment has been produced	Senior Lawyer / Lawyer	June 2021	Protocol is being re-drafted before being reviewed by client; aim for final approval by end Sept 2021	A
		b) Review SGO protocol to ensure it complies with Public Law Working Group "Recommendations to achieve best practice in the child protection and family justice systems: Special guardianship orders June 202" and Public Law Working Group "Best Practice Guidance: Special Guardianship Orders" March 2021	Senior Lawyer / Lawyer	June 2021	Protocol has been re-drafted to ensure compliance with PLWG guidance. Awaiting finalisation and sign off	A
L5	Strengthen existing Review/Panel/RPPM meetings. Also give	a) Hold meeting with ADs, HoSs, CPOs to discuss the LPM system and whether	Head of Law, Children and Families	June/July 2021	Completed Legal gateway meetings now taking place weekly	B

	consideration to whether the current Legal Planning Meeting system is fit for purpose	this needs to revert to a Legal Gateway Panel and who needs to make decision in respect of issuing proceedings/entering PLO and whether this requires AD attendance				
L6	Review Findings in 2018 High Court Judgements and compare with YY Judgement to see if there are any key trends and issues	a) Create spreadsheet tracker of 3 High Court judgements and the findings of fact from the same and findings of fact from the Re YY judgement, as well as the list of promised actions from Re GT made by the Assistant Director at the time, Liz Elgar.	Head of Law, Children and Families	May 2021	Completed A number of actions identified which had not been actioned following publication of the Re GT judgement have now been addressed. In respect of the key themes, it has been identified that the key themes in the 2018 judgements all appear in the Re YY judgement, evidencing that the areas of deficiency and thus focus had not been addressed following the 2018 judgements.	B
L7	Review key statutory and practice responsibilities against issues/trends mapped in legal cases in C&F and identify training/policy/protocol needs	a) Review DFE Working Together to Safeguard Children 2018 to map key statutory and practice responsibilities	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement.	A
		b) Compare and track these statutory responsibilities against those areas of deficiencies in practice and key themes and issues	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement.	A

		c) Identify any needs to draft protocols/change practice/procedures	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement. This also needs to be discussed with the DCS to agree next steps	A
		d) Develop training programme for the implementation of learning as a result of the learning review. This training to be offered to the service alongside members of the legal team. This training will cover all aspects of practice which are identified as requiring improvement as part of this Improvement Plan and will be facilitated in conjunction with the Social Work Academy and the Q and A team within the Directorate..	Senior Lawyer / Lawyer	Ongoing with a view to covering all identified areas on a preliminary basis by June 2022.	Initial training has been commenced by the Directorate which the Team has inputted into. Further training will be developed once both Consultant and the Head of Law for Improvement commence in post. Meetings have taken place with SW academy and Tom Savoy; training sessions set up with IROs in Oct; and s20 training is in the process of being organised	A
L8	Review and strengthen the PLO/pre-proceedings in liaison with the Interim DCS	a) Meet with the ex-HMI inspectors to discuss outcome of deep dive review in respect of concerns in PLO cases.	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement. This also needs to be discussed with the DCS to agree next steps	A
		b) Review PLO matters in the past 12 months in terms of the numbers of cases entering PLO versus those that enter care proceedings (this data is available from CPO)	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A

		c) Review information gathered during the case review interviews as to issues arising during the PLO process	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		d) Discuss with allocated solicitor the PLO process the difficulties encountered as part of the process and areas requiring improvement	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		e) Review PLO matters that have taken place in the last 12 months and identify themes and patterns of concerns	Senior Lawyer / Lawyer	Oct/Nov 2021	This will be the responsibility of the new Head of Law for Improvement	A
		f) Review and amend the current PLO letter, request an example from an outstanding authority/a good example from Marie McGuinness/Gary Lamb.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
		g) Review and amend the PLO closing letter.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
L9	Review and strengthen with C&F Directorate the s.20 Consent process	a) Review the s20 consent form and amend in accordance with s20 BPG 2021	Senior Lawyer / Lawyer	September 2021	A version of this consent form is being formulated as part of Section 20 Working Group. A meeting was held on 11 th August to establish the terms of reference for this. Worcester County Council agreed to take responsibility for the initial draft guidance and the s20 consent form	A

		b) Review the process in which children become accommodated pursuant to s20 and how quickly their accommodation is reviewed and that s20 matters should be considered at Legal Gateway meeting rather than solely at placement panel as they are currently	Senior Lawyer / Lawyer / Service rep?	September 2021	Complete. Section 20 matters are now reviewed at legal gateway and are reviewed within 24 hours of their initial accommodation by the service and are then discussed at the first available review.	B
		c) Conduct randomised interviews with social workers, team managers and Heads of Service across the Court Team and Assessment Team to capture social workers' current understanding of how s20 can be used appropriately	Senior Lawyer / Lawyer	September 2021	Not yet started	A
		d) Form s20 Working Group with Worcestershire County Council, CAFCASS and HHJ Plunkett to draft best practice guidelines for use in our local court (recommendation of recent LFJB meeting)	Head of Law / Senior Lawyer / Lawyer	August 2021	Complete - first meeting of group took place on 11 August 2021. Terms of reference were created and Worcester County Council agreed to formulate first draft of the best practice guidance for the two local authorities to use.	B
		e) Review current Section 20 Policy.	Senior Lawyer / Lawyer	August 2021	See d. above Worcestershire County Council is producing the initial draft; a further meeting is scheduled in 6 weeks to discuss and finalise.	A

		f) Develop and deliver Section 20 training specifically tailored to CWB and a general Section 20 training session across the service.	Senior Lawyer / Lawyer	August / September 2021 then ongoing	Initial training has been discussed with the Directorate and is to be organised to take place shortly.	A
		g) Undertake review of current Section 20 cases and develop tracker.	Senior Lawyer / Lawyer	September 2021	Not yet started	A
L10	Review and strengthen with C&F Directorate the Adoption ADM process	a) Review ADM decisions that have taken place in the last 12 months and the legal advice for those decisions.	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) As part of review identify those ADM decisions that were in line with a final outcome of adoption and those where there was a different outcome at the final hearing	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
		c) Review current policy for ADM process.	Senior Lawyer / Lawyer	January 2022	This will be the responsibility of the new Head of Law for Improvement	A
L11	Review and strengthen with C&F Directorate the liaison with the IRO Service	a) Review IRO input into all children in the past 12 months, this to be both paper exercise and also conduct interviews with IROs on certain cases where concerns are identified	Senior Lawyer / Lawyer	February 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Review information gathered from a) as to issues arising in respect of the IRO's role and function	Senior Lawyer / Lawyer	February 2022	Not yet started	A

L12	Review and strengthen with C&F Directorate the role of the Case Progression Officer	a) Discuss with the Heads of Service their view regarding the role of the CPOs	Senior Lawyer / Lawyer	March 2022	An initial meeting has taken place with the Directorate in respect of the role of the CPOs and how this needs change so they are more involved in ensuring court directions are complied with. Discussions have taken place in respect of amendments to relevant protocols, key officers in the service also now have access to the duty solicitor inbox to ensure that they are aware of the times and dates of key directions are hearings.	A
		b) Discuss with CPOs to determine their views in respect the part of their roles which work well and those that do not.	Senior Lawyer / Lawyer	March 2022	See (a) above.	A
L13	Liaise with Interim DCS with respect to children who are in LTF foster carer placements and consider whether there are any similar issues arising from the YY case in those placements.	a) Following review of all children in LTF placements, identify whether there are any similar issues as the YY case.	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Provide an update to the Interim DCS in respect of any cases of concern.	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A
L14	Review the transition process for 16-18 year olds and	a) Establish Working Group for Transitions	Heads of Law for C&F and Adults	June 2021	Working Group established	B

	implementation of protocol	b) Review Standard Operating Procedure/Protocol for transitions	Heads of Law for C&F and Adults / Service rep	August 2021	This draft SOP has been shared with the Directorate and Adults legal team, discussion needs to take place at the next Working Group meeting in order to finalise its contents	A
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Quality and Performance						
Ref	Priority Area	Activity	Lead Officer	Target date	Progress update	RAG rating
Q1	Identify cases within children's legal team where there are significant failings and ensure the Interim DCS and DMO are sighted on these matters	a) Review existing notable cases within the team	Head of Law	April 2021 and ongoing	Completed A tracker has been created of all notable cases, monitoring compliance with directions. This is shared with the service as well as DFE advisor and Minister's advisor. A legal meeting also takes place on a fortnightly basis with the DCS and ADs to discuss notable cases and other key issues arising.	B
		b) Discuss with team members any concerns regarding notable cases	Head of Law	May 2021 and ongoing	Completed Discussions take place on an ongoing basis with those solicitors allocated to notable cases, these solicitors are also invited to attend the fortnightly meetings so they can provide an update.	B

		c) Draft briefings to CX in respect of notable cases	Head of Law / Senior Lawyer	Monthly and as and when required	Summarised version of the notable case tracker used to provide updates – and monthly updates provided to CEx and DFE Advisor and Minister	G
		d) Draft pen portraits for Gladys Rose White in respect of all notable cases	Head of Law / Senior Lawyer	31 May 2021	Completed	B
Q2	Review and track all current live SGO's and Discharge Care Orders as fit for purpose, identify any issues and mitigations	a) Review all current live SGOs and Discharge Care Orders	QA lead in C&F Service	May 2021	Completed Details held by QA Team in the Directorate	B
		b) Review audit forms and input legal advice into audit forms from the service	Senior Lawyer / locum Advocate	May 2021	Completed Legal advice included on form created and held by QA team in the Directorate.	B
		c) Feedback to the Q&A team any issues identified	Senior Lawyer	May 2021	Completed Legal advice included on form created and held by QA team in the Directorate.	B
Q3	Commence quality assurance meetings to consider C&F review audit findings and C&F Service Q&A audit findings of all those matters that are currently being considered for SGO and are in the pre-court stage, or are currently in proceedings. Priority to audit those	a. Hold meetings with Q&A team in service	Head of Law / Senior Lawyer	April 2021	Completed This meant that those cases which were due to be before the court (and not yet issued) and those before the court were reviewed. As part of this exercise, one assessment was identified as requiring further work before an application was made to the court, and a further assessment that was already before the court	B

	currently in proceedings in the first instance.				required further work and an application was made to the court for an extension of time, which was granted. This ensured that work was undertaken thoroughly and sufficient consideration was given to the quality of assessment work for SGO applications.	
Q4	Review YY case Judgement Findings for any C&F Legal Service practice learning and improvements	a) Review findings of fact from Re YY and identify urgent actions	Head of Law Children and Families	May 2021	Completed	B
		b) Seek to correct all agencies who hold inaccurate information in respect of the children and provide them with the accurate information	C&F service rep	June 2021	Completed	B
		c) Draft disclosure protocol	Senior Lawyer	June 2021	Drafted. Awaiting finalisation and sign off; aim is for approval by the end Sept 2021	A
		d) Draft escalation protocol	Senior Lawyer	June 2021	Completed Protocol for escalation within the Directorate is in situ.	B
		e) Draft / escalation protocol within Legal Services including in respect of when/if legal advice is not followed by client	Senior Lawyer	July 2021	Drafted. Awaiting finalisation and sign off by the end Sept 2021	A
Q5	Review all current and historic HRA claims	a) Conduct an analysis of all current HRA claims and track trends and issues with and identify failings	Senior Lawyer / Lawyer	April 2022	This will be the responsibility of the new Head of Law for Improvement	A

		and necessary training / support				
		b) Make further enquiries in respect of our insurance product and whether this can be changed to include legal work for the claims (as is the case in other local authorities)	Practice Manager	September 2021	Has been raised with Insurance team but needs further clarification	A
		c) Explore whether a further solicitor can be employed to deal with the HRA claims, rather than this work being outsourced	Practice Manager	July 2021	Resources Board have approved a FT Litigation Lawyer that will support this work; a locum has been secured.	G
Q6	Liaise with the Interim DCS in order to strengthen the effectiveness of the handling and management of complaints.	a) Conduct a review of the current complaints policy and how complaints are currently dealt with	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
		b) Liaise with Information Governance as to the current complaints process and those areas of weakness in the current process and discuss suggestions for improvement	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
		c) Produce a set of recommendations for the improvement to the complaints process	Senior Lawyer / Lawyer	May 2022	This will be the responsibility of the new Head of Law for Improvement	A
Q7	Improve post proceedings dissemination of information	a) Implement the post proceedings review meeting (where outcome of case summary is presented) so that all relevant individuals working around the child	Head of Law and Children Families	June 2021	Completed Post proceeding form in place to be completed and circulated to relevant individuals; meetings not required unless specifically requested	B

		understand the impact of any court decision				
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Workforce Development						
Ref	Priority Area	Activity	Lead Officer	Target date	Progress update	RAG rating
W1	Support for Legal staff when court hearings are impacted as a consequence of an audit finding deficiencies with assessment work.	a) Hold meetings and supervision with junior legal staff members and conduct advocacy/hearings where there are issues arising out of audit work	Head of Law Children and Families	April/May 2021	Completed Support was provided on hearings where required	B
W2	Lawyers in C&F Legal Team are trained and know the law on End of Life decision making and Medical intervention consent for Looked After Children	a) Create evidence log that all staff in the C&F Team have received training on End of Life decision making and medical intervention	Senior Lawyer	June 2021	Completed, all staff have received the relevant training.	B
		b) Discuss with all solicitors in 121s and supervision sessions that they are confident in this area of law and they are aware of the escalation policy where they should seek a second opinion, possibly from counsel and discuss legal advice with Head of Law.	Head of Law Children and Families	June / July 2021	Completed Policies that relate to these areas will be circulated to the team and referred to regularly, for example, during team meetings or 1:1's, so that they are fully aware	B
		c) Provide an Induction Pack for new starters to ensure that they are aware of all relevant policies in place.	Practice Manager	Oct 2021	Not yet started. This activity forms part of the wider Legal Services Improvement Plan, and revised Practice Manual	A
W3	Review all Looked After Children, Adoption and Care	a) Discuss with each team member their live cases and cases concluded in the last 12	Head of Law / Senior Lawyer	September 2021	Underway The team will be asked to highlight any current cases	G

Leaver cases in C&F Legal Team for assurance as 'fit for purpose' and recommend training/development /practice improvements	month period to identify key issues encountered on cases.			and identify themes, so that these cases can be audited to resolve any issues, before they escalate. This should be done during 1:1's and discussed at team meetings. Thereafter, key cases will be audited from 2018 to present.	
	b) Meet with Team Managers from C&F Directorate to identify cases both closed and open to identify key issues encountered on cases and those cases where the Looked After Children process may require legal reviewing	Head of Law / Senior Lawyer	September 2021	Not yet started – dependant on a. above being completed	A
	c) Identify those case where we want to approach HHJ Plunkett and ask him to provide views about "what went wrong" and how things could have been dealt with differently	Senior Lawyer / Lawyer	September 2021	Dependant on a and b. above; no cases are ready yet to be discussed	A
	d) Create an action plan with the key issues identified in case review and discussions with HHJ Plunkett	Senior Lawyer / Lawyer	September 2021	Dependant on c. above	A

Internal Escalation Procedure for Managing Disagreements on Case Planning for Children and Young People



Herefordshire Children's Well-being Service
Version 1.0
June 2021

Table of Contents

Purpose of this procedure	3
Aims of this procedure	3
Application and scope	3
Procedure for practitioners, managers, and legal advisers	4
Procedure for principal social worker	5
Timescales for escalation.....	5
Supporting those who escalate disagreements.....	6
Appendix A: Escalation flow chart.....	7

Purpose of this Procedure

Making decisions around the safety and well-being of children are difficult, especially when there can be varying views on what is in a child's best interest. It is why as much assessment, planning, and collaboration as possible should always be done in order to try to achieve the safest and best outcomes for the children and families we support whilst respecting their human rights.

It is expected that disagreements will arise from time to time and these will be explored in various ways such as in supervision, review meetings and in decision making panels. The vast majority of these can usually be resolved when managers and practitioners foster a culture of respectful challenge and reflection on best planning for children and young people. Occasionally, significant areas of disagreement can arise and leave practitioners and managers feeling conflicted between acting in what they believe is in the best interest of a child versus not wanting to "rock the boat" or upset their line managers.

This procedure was developed based on the Principal Child & Family Social Work Network agreed procedure to support Principal Social Workers (PSWs) in escalating issues in a proactive manner. It has been expanded to include all practitioners who work in Herefordshire Children's Social Care. The aim is to provide a means for the PSW, practitioners and managers to escalate issues in order to ensure they are carefully considered to avoid drift and delay or compromising the safety, well-being, or human rights of the children and young people we support.

1. Aims of this Procedure

- 1.1 To encourage a culture where the PSW, managers and practitioners feel confident in raising concerns or question case direction where they believe it may compromise the safety or well-being of a child or the human rights of a child or parent;
- 1.2 To provide every possible opportunity for case decisions to be carefully considered before decisions on a child's plan are carried out;
- 1.3 To ensure decisions are carried out in a timely manner and are always focused on the best interest of the child's safety and well-being;
- 1.4 To protect the PSW, practitioners and managers from any potential negative repercussions that may arise from challenging their line manager's decisions.

2. Application and Scope

- 2.1 This procedure applies to all practitioners and managers (including those not social work qualified, are temporary or agency workers) within Herefordshire Children's Social Care. It is intended to cover disagreements on case direction where there is a belief it may compromise the best interest of a child's welfare and/or unduly place them at risk of significant harm, or compromise the human rights of a child or their parents.
- 2.2 This procedure also covers the role of the PSW in supporting their role in respectful challenge and raising concerns brought to their attention to the appropriate levels of management for resolution.
- 2.3 The aim is to promote a supportive working culture where respectful challenge can take place and is encouraged, but where management direction can also be robust and respected. Although it is hoped this procedure would avoid the need for, it does not however replace the right for anyone to raise issues as appropriate through the [Whistleblowing](#) or [Grievance](#) procedures.

3. Procedure for Practitioners, Managers, and Legal Advisers

- 3.1 All escalations should be done in accordance with the timescales outlined in Section Five of this procedure. A record must be taken that summarises the areas of disagreement, a summary of the discussion, and the decision reached to be recorded on the child's record by the manager chairing the escalation meeting.
- 3.2 Where a practitioner or managing practitioner (or equivalent) has a disagreement on a case direction given and are of the belief it is not in the child's best interest or may compromise their safety, well-being, or human rights (or the human rights of their parents) they should request a meeting with their team manager.
- 3.3 If following the meeting with the team manager disagreement remains with the case direction given, this should be escalated and a meeting requested with their head of service.
- 3.4 If following the meeting with the head of service disagreement remains with the case direction given, this should be escalated and a meeting requested with their assistant director. The assistant director's decision should be considered final.
- 3.5 If significant concerns for the safety and well-being of a child remain following the decision of the assistant director, or if a consideration is being made to initiate Whistleblowing procedures, a meeting should be requested with the Director of Children's Well-being Services. The Director's decision should then be considered final.
- 3.6 In the exceptional circumstances that there remains significant concerns for the safety and well-being of a child or the human rights of a child or parent following the decision of the Director, or if a consideration is being made to initiate Whistleblowing procedures, a meeting should be requested with the Chief Executive and the Solicitor for the Council, who will make the final decision.
- 3.7 If a decision is agreed at one management level, but is later overturned at a higher level which leaves any practitioner or manager of the belief it compromises the safety or well-being of a child or the human rights of a child or parent, they can escalate the matter to the next management level in this procedure.
- 3.8 If there are disagreements with decisions reached at a decision making panel where it is believed it will have an undue and significant impact on the safety and/or well-being of a child, or may compromise the human rights of a child or parent, the practitioner or manager should inform their head of service to resolve the disagreement. If the matter remains unresolved, the practitioner or manager should escalate the matter from section 3.4 of this procedure.
- 3.9 If the appropriate manager is not available within the timescales of the escalation, another suitable manager at the same level may be sought to hear the disagreement and make a decision in their place.
- 3.10 Where legal advisers have issues of dispute regarding the outcome of legal planning meetings or any other meeting where a legal adviser is requested to attend a meeting or offer advice, the legal adviser will need to escalate matters to the person who directly line manages the decision maker. This may be the case if there are concerns by a legal adviser about taking decisions against the legal advice given. If the meeting does not produce a satisfactory outcome then the matter must be escalated to the relevant head of service. Escalations by legal advisers beyond this level up to the director should also include the involvement of the equivalent manager in legal services before further escalation takes place. The timescale for escalating concerns by legal services should be consistent with those outlined in Section Five of this policy.

- 3.11 The Heads of Law for the Childrens Litigation Team may escalate matters directly to either the Assistant Director or Director of Childrens Services when they believe it is appropriate to do so.
- 3.12 Where disagreements regarding case management for children being supported through a child protection or care plan are escalated, their respective child protection conference chair or independent reviewing officer must be notified on the same day, kept apprised throughout, and their views included as part of the process.
- 3.13 At any stage in this procedure, any practitioner or manager can arrange to discuss the disagreement with the PSW in order to assist in a resolution or provide support with the escalation process.
- 3.14 Where disagreements are escalated to section 3.3 or higher of this procedure, consideration should be given to seek legal advice and involvement of legal services on the matter. Where children are already involved in the public law outline (PLO) and care proceedings process, advice must always be sought from legal services.
- 3.15 In all cases where a practitioner or manager is considering initiating whistleblowing and/or grievance procedures in line with this procedure, both legal and human resources advice must be sought.

4. Procedure for the Principal Social Worker (PSW)

- 4.1 Where an issue or concerns has come to the attention of the PSW, the PSW should arrange to meet with the relevant people who have raised the concern or have information that may assist the PSW with how to best proceed with the matter and support the escalation process.
- 4.2 The PSW will seek to resolve any disagreements or issues relating to the safety or well-being of a child, or issues relating to violating the human rights of a child or parent, at the lowest management level that maximises the resolution of the matter in a timely and effective way.
- 4.3 The PSW will make themselves available to advise, assist and support any practitioner or manager who wishes to raise a concern within these procedures. The PSW may also make their own decision to escalate a matter independently, even if the person originating the escalation does not wish to do so themselves, if the PSW is of the belief that not doing so will unduly impact the safety or well-being of a child.
- 4.4 The PSW is also responsible for raising systemic issues that may unduly impact on practice and delivering an effective service to children and families. Such issues may include: obstructive bureaucratic processes, IT problems, environmental constraints of the workplace, and ineffective or toxic communications or working relations within the service. The PSW will seek to resolve these issues at the lowest management level that maximises the resolution of these matters in the most timely and effective way.
- 4.5 The PSW can exercise professional judgement in whether any matters are deemed significant enough to be raised at the assistant director or director level of Children's Social Care.
- 4.6 The PSW can exercise professional judgement in whether they seek legal and/or human resources advice in support of the escalation process.

5. Timescales for Escalation

- 5.1 It is expected that all issues of disagreement should be resolved in the timeliest manner possible. Avoidable delays may expose a child to unnecessary risk of harm to their safety or well-being.
- 5.2 For areas of disagreement where it is not believed the child is being exposed to undue risk of significant harm, or may compromise the human rights of a child or parent, the maximum timescale for resolution will be **two working days** for each level up to the level of head of service, and **three working days** up to the Chief Executive and Solicitor of the Council.
- 5.3 For areas of disagreement where it is believed a child is being exposed to risk of significant harm, the escalation should proceed at minimum to the level of head of service on the same day. If there is no successful resolution, the matter should progress to the assistant director within **one working day** and, if required, **one working day** to the director and the Chief Executive and Solicitor of the Council.
- 5.4 If meetings are not arranged within these timescales, the person making the escalation can decide to proceed to the next management level and should not be referred to a lower management level in doing so (but it should include those managers missed in the discussion if they are available).
- 5.5 If a practitioner or manager is of the belief that a child is at imminent risk of significant harm, they must escalate the matter to the highest management level possible **on the same day** (up to the level of director if necessary) in order for a timely and appropriate decision to be made that adequately safeguards the child. Legal advice must also be sought and consideration given to seeking support of the PSW if necessary.
- 5.6 Practitioners and managers can refer to the escalation flowchart in Appendix A of this procedure as a quick reference for the timescales and process for progressing escalations at each management level.

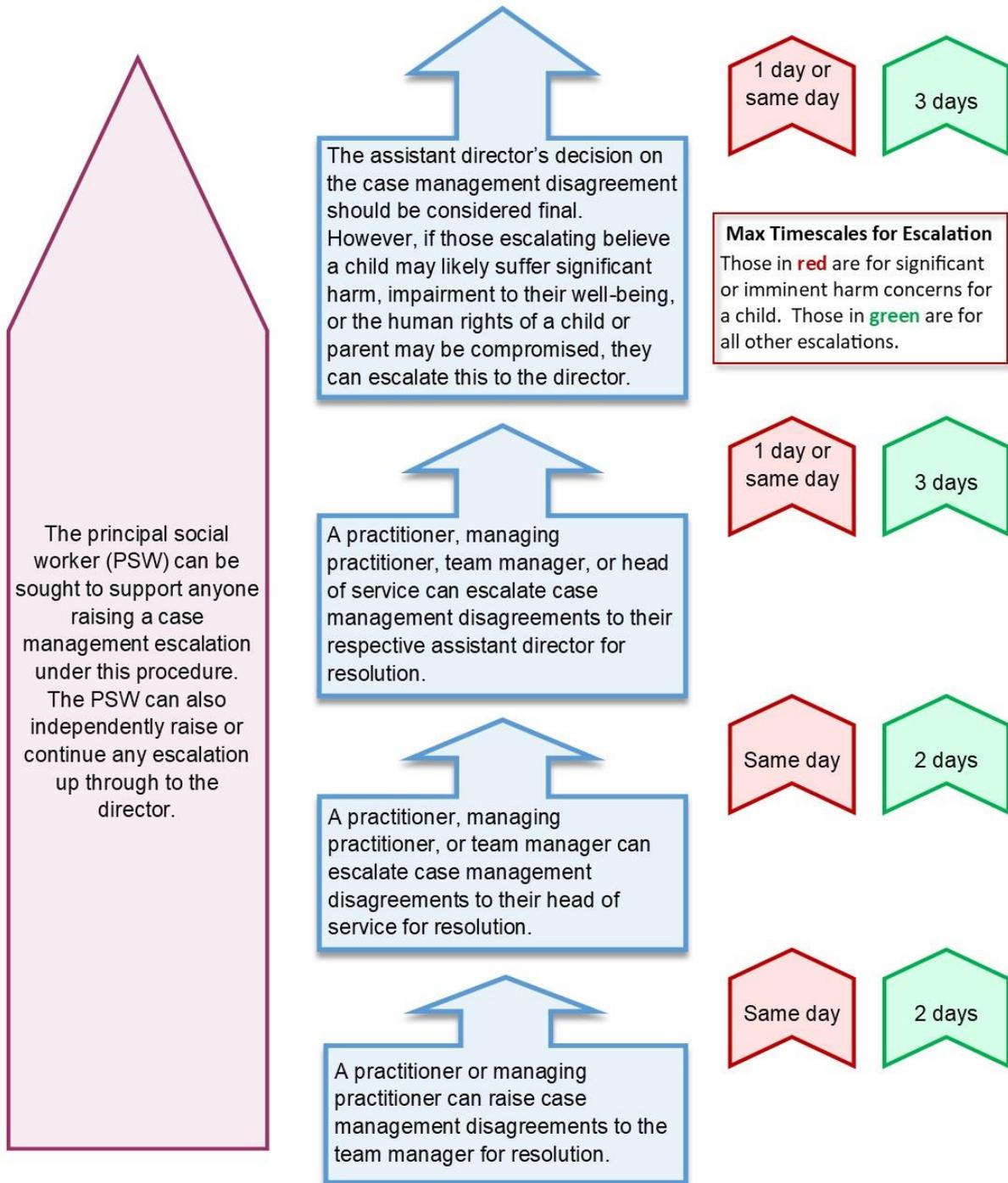
6. Supporting those who Escalate Disagreements

- 6.1 It is expected that all persons who raise or hear concerns raised through this procedure will do so in a manner that fosters respectful challenge, supports professional disagreement, and aims to achieve the best and safest outcomes for children and young people involved.
- 6.2 No repercussions or disciplinary action should be considered against those who raise concerns in line with this procedure who are acting honestly and in good faith with the best interests of a child's safety and well-being in mind.
- 6.3 Where there are concerns that relate to a culture of unsafe, toxic, or unprofessional practice or where a person believes they are being treated in an unfair or discriminatory manner, they may consider raising those matters concurrently to this procedure under Herefordshire's [Whistleblowing](#) or [Grievance](#) procedures.

Appendix A

This flow chart summarises the Internal Escalation Procedure for Managing Disagreements on Case Planning for Children and Young People for Children’s Social Care and must be used in conjunction with that procedure. Legal advisers will also follow a similar procedure.

In all but exceptional circumstances, the decision on escalations by the Director of Children’s Well-being Services will be considered final in the escalation process.



APPENDIX 3
LEGAL SERVICE UPDATE - CHILDREN AND YOUNG FAMILIES

AS AT 31st July, 2021

1.

A) Summary Live Cases as at 31st July, 2021

		Total May 2021	Total June 2021	Total July 2021	Uplift	Total This time Last Year
1.	Care Proceedings	39	31	33	+2	27
2.	Deprivation of Liberty Cases/COPS	9	10	12	+2	5
3.	Adoption/Contested	4	2	0	-2	0
4.	Supervision Order/CAO	0	0	0	0	1
5.	Contact Applications	2	2	1	-1	2
6.	Placement applications	2	2	2	0	0
7.	Miscellaneous application (i.e relinquished child)	0	2	1	-1	0
8.	Revocation of Placement	0	1	0	0	1
9.	Specific Issue application	1	1	0	0	0
10.	Secure accommodation application	1	0	0	0	0
11.	Discharge of Care Order	2	1	1	0	10
12.	Discharge/SGO	2	1	1	0	12
13.	Current live PLO cases	5	5	3	-2	8
14.	Change of Name	4	4	4	0	4
15.	HRA Cases – live	14	14	14	0	11
16.	HRA cases settled or to be settled	0	0	0	0	0
	Total	85	76	72		

B) Cases yet to be issued

		Total May 2021	Total June 2021	Total July 2021	Uplift	Total This time Last Year
1.	Care proceedings	2	0	3	+3	1
2.	Deprivation of liberty cases	2	3	6	+3	0
3.	Placement applications	0	0	0	0	0
4.	SGO applications	0	0	0	0	1
5.	Discharge of Care Order	1	1	1	0	2
6.	Discharge/SGO	1	1	1	0	3

2. SGO/DISCHARGE

a) Summary

Total as at 31st July, 2021	Cases received May, 2021	Cases received June 2021	Cases received July 2021	Total received this time last year
2	0	0	0	5

3. CARE TO BE ISSUED

Total as at 31st July, 2021	Cases received May, 2021	Cases received June, 2021	Cases received July, 2021	Total received this time last year
33	2 care, 2 DOLS	6 care, 1 Part 18, 3 DOLS <i>including 2 to be issued</i>	3 care, 9 DOLS	7

CARE TRACKER CASES ISSUED

Total as at 31st July, 2021	Cases issued in May, 2021	Cases issued in June, 2021	Cases issued in July, 2021	Total this time last year
33	8 care	6 Care, 1 DOLS, 1 Part 18 application	2 care, 3 DOLS	7

4. NUMBER OF DISCHARGE/SGO CASES EXPECTED RECEIVED IN JULY, 2021

Cases Expected in July, 2021	Cases Received in July, 2021
0	0



Title of report: Children's services improvement journey

Meeting: Children and young people's scrutiny committee

Meeting date: Tuesday 7 September 2021

Report by: Interim Director for Children and Families

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To update the committee on progress concerning the Children's Services Improvement journey.

Recommendation(s)

That the committee:

- a) Reviews the attached 'directors update report' to the improvement board dated 9 August 2021 presentation at appendix A and considers any recommendations it wishes to make to the executive and/or the improvement board on the content;
- b) Reflects on progress following receipt of the non-statutory Improvement Notice in May 2021; and
- c) Considers areas of work for further scrutiny activity, reflecting priority actions.

Alternative options

1. The committee could chose not to review the progress of the children's improvement journey, but this is not recommended as the scrutiny committee has an important role in exploring issues and dependencies relating to priority actions, identifying risk and

pressures which might work against the council delivering improvements and what mitigations might be made.

Key considerations

2. Following children's scrutiny committee meeting of the 1 June 2021, in which the report set out in detail the background and events that led up to the minister Vicky Ford MP issuing a [non statutory notice](#) to improve.
3. Progress since the last report to this committee ([1 June 2021](#))

Improvement Board Update

4. The improvement board held its first meeting on 14 June 2021 and a subsequent meeting on the 9 August 2021; a terms of reference has been agreed together with membership.
5. Following discussions with the Department for Education (DFE) advisor, Chief Executive and the chair of scrutiny it was agreed that in order to maintain the independence of the committee and enable the committee to undertake their scrutiny activities of the board that the chair of children and young people's scrutiny committee would not sit on the improvement board as a member.
6. A core requirement of the improvement agenda is for the director of children services (DCS) to provide a regular 'Director's Update Report' see appendix A presented at the last improvement board on the 9 August 2021. For note the next improvement board is scheduled for the 13 September 2021.

Outcome of recent Ofsted focused visit

7. A planned focused visit by Ofsted took place on 7 July 2021, in line with the inspection of local authority children's services (ILACS) framework.
8. Ofsted's focus was on Children in Need or subject to a Child Protection Plan and looked at:
 - thresholds
 - step-up/step-down between children in need and child protection
 - children on the edge of care
9. The [focussed visit outcome letter](#) was published on 17 August and identified three areas for priority action these being:
 - Address inconsistent and variable social work practice to ensure that children are the focus of assessments, planning and interventions.

- The frequency and effectiveness of case supervision and the monitoring of children who are subject to child in need and child protection planning.
- Shortfalls in case-holding capacity for social workers, including newly qualified social workers, to allow them to respond effectively to children in need of help and protection.

Scrutiny

10. The committee has begun to review its work programme for 2021/22 and identified that additional meetings will be required to consider progress on the improvement process. The first such additional meeting is to be held on 7 September 2021.
11. Committee members have supplied details of their relevant experience and skills, and identified areas in which they feel training is required as part of a process to review and improve the training offer to the committee. Support is also being provided by the Local Government Association (LGA) and Centre for Governance and Scrutiny (CfGS).

Governance

12. The Improvement Board is to ensure compliance with the non-statutory notice issued by the DFE. It is proposed a web page containing all minutes of meetings and information relating to board will be published.
13. There will be a multi-agency operational board chaired by the DCS, who will be responsible for ensuring progress against the agreed improvement plan.
14. Cabinet are responsible for overseeing the plan and ensuring the progress is made as set out in the improvement notice. They are also responsible for the resource allocation. Cabinet members will be briefed informally as part of the normal cycle of portfolio and cabinet briefings.
15. Cabinet will receive a report at its meeting of 23 September 2021 with an update on the improvement programme and the outcome of the Ofsted visit.
16. The chief executive is responsible for making the changes necessary to improve the services with support from the DCS. Management Board also provide a check and balance to the plan and are advised of progress. A resources board is also in place to monitor spend and value for money.
17. Full council is due to have an update on the progress of the strategy and improvement work to date on 8 October 2021.

Community impact

18. The notice requiring improvement will have a direct and indirect effect on the lives of both current and future children and families in Herefordshire.

19. Keeping children safe is one of the most important things this council does and the details in this report support whatever action is required to ensure children and families receive the services they deserve.
20. The county plan 2020-2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together', specifically the council aims to:
- Ensure all children are healthy, safe and inspired to achieve;
 - Ensure that children in care, and moving on from care, are well supported and make good life choices; and
 - Protect and improve the lives of vulnerable people.

Environmental Impact

21. There are no specific environmental impacts arising from this report. The work of the committee will be undertaken with consideration to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

22. 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.
23. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

Resource implications

24. There are significant revenue resource implications for the improvement work required. There are no expected capital resource implications.

25. The resource implications are not included in the base budget. The anticipated additional resource requirement for the next two years is £5.2m across all services; including direct children services and corporate support services.
26. The improvement board will receive monthly reports monitoring spend incurred as part of the monthly update.

Legal implications

27. The Council has been issued with a non-statutory improvement notice by the Department for Education on 18 May 2021. To comply with this notice the Council must comply with a number of measures and to summarise these include:-
 - Secretary of state appointment of an Improvement Advisor. The council will work with the adviser for a minimum of 12 months, and until such time that the Secretary of State is satisfied this is no longer required.
 - Implementation of an Improvement plan
 - Establishment of an Improvement Board with an independent chair (to be set up and chaired by the DfE Improvement Adviser).
 - Officials or advisers from the Department of Education will undertake reviews of progress against the improvement plan at least every six months and more regularly where appropriate.
 - The Department will offer dedicated improvement support through its Partners in Practice arrangements and may consider additional requests for support as part of the review process.
 - The Improvement Adviser will provide to the Department, 6 weekly reports of progress or concern against the areas set out in this notice; and progress against the improvement plan; and any other such information relevant to the improvement journey.
28. The notice sets out that the council should aim for actions included in the improvement plan to be delivered by the end of April 2022 or sooner, where appropriate. If there is a failure to comply with this notice, ministers may choose to invoke their statutory powers of intervention (s497A Education Act 1996) to direct the council to enter into an appropriate arrangement to secure the improvements required in children's services (potentially resulting in the establishment of a trust).

Risk management

29. The improvement notice is clear that should the council be unwilling or unable to comply with this improvement notice, or should ministers not be satisfied with the council's progress at any stage, ministers may choose to invoke their statutory powers of intervention (s497A Education Act 1996) to direct the council to enter into an appropriate arrangement to secure the improvements required in children's services.
30. Statutory improvement notices could be issued and more critical or enduring underperformance may necessitate the use of Statutory Directions compelling the council to take certain actions. In extreme cases the DfE can direct partial or complete

outsourcing of children services to a third party or the establishment of a children's trust.

Consultees

31. The arrangements for governance of the improvement process, including the various individuals and bodies that will be briefed, are set out in the key considerations section above.

Appendices

Appendix A – Directors Update Report to Improvement Board

Background papers

None identified

Glossary

DFE – Department for Education

LGA – Local Government Association

CfGS – Centre for Governance and Scrutiny

Herefordshire Children's Services

**Director's Update Report
Children's Improvement
Board – 9 August 2021**

**Catherine Knowles Interim
Director of Children and
Families**

53



Keeping Children at the Heart of all we Do

Feedback and Progress to-date

- Ofsted Focused Visit
- Early Help Diagnostic
- 54 • Practice Changes
- Audit update
- Next Steps

Ofsted Focused Visit

Focused visit in July 2021

Ofsted's focus was on Children in need or subject to a Child Protection Plan and looked at:

55

- thresholds
- step-up/step-down between children in need and child protection
- children on the edge of care

Ofsted Key Findings - Identified Strengths

- We have responded positively to the Covid 19 Pandemic - social workers have ensured home visits to vulnerable children.
- Recognised the new leadership team, in place since March 2021, has worked hard including completing a comprehensive critical evaluation of practice across the service.
- Recognised we have accurately identified the necessary priorities for improvement.
- No child was found to be at risk from harm

Areas of Strength



- A dedicated and committed permanent workforce
- The new senior leadership team were listening to the workforce and are child focussed.
- Progress is made through regular core groups, support from Family Support Workers is good
- There are elements of reflective practice within some supervision records but this is too variable
- Overall staff felt supported through the pandemic and risk assessments were being completed for each case and that families were supported throughout.
- The new Quality Assurance process has recently improved through the introduction of a collaborate approach; social workers are aware of the audits that are being carried out on all open cases
- Step down cases from CP to CIN that were seen were all appropriate

Ofsted - Recognised we have accurately identified our priorities these being:

Strengthen and develop a sustainable workforce (including development of a career pathway, recruitment, retention, learning and development).

Ensuring a consistent and clear management grip to support quality of practice, in particular, robust, individual case work supervision with Social Work staff (including ensuring compliance and returning to basics in terms of understanding and application of social work practice standards. Underpinned by effective training so that staff can do their jobs effectively).

Provide performance management and quality assurance, including strengthening audit activity so that there is a clear line of oversight on the quality of Social Work practice to help understand what actions are needed to take to drive continual social work practice improvement. Whilst repurposing our wealth of performance information moving from data processes to an outcome based evidencing impact of services to children, young people and families.

Improve assessment of children's needs, including direct work with children to understand their experiences

Improve the voice of the child in case recordings and assessments

Diagnostic of Early Help

- **Scope of the review...** to examine the effectiveness of the CSC Early Help (EH) service offer for children, young people (C&YP) and their families.
- Overall, the review evaluated four completed audited cases, tracked one of the audited cases and sampled 10 cases, of these: two are judged good; seven judged requires improvement; and six judged inadequate. This means that 86% of cases seen are either inadequate or require improvement (RI).

Recommendation:

A full presentation of the Early Review is presented by Marie McGuinness at the next Improvement board in September

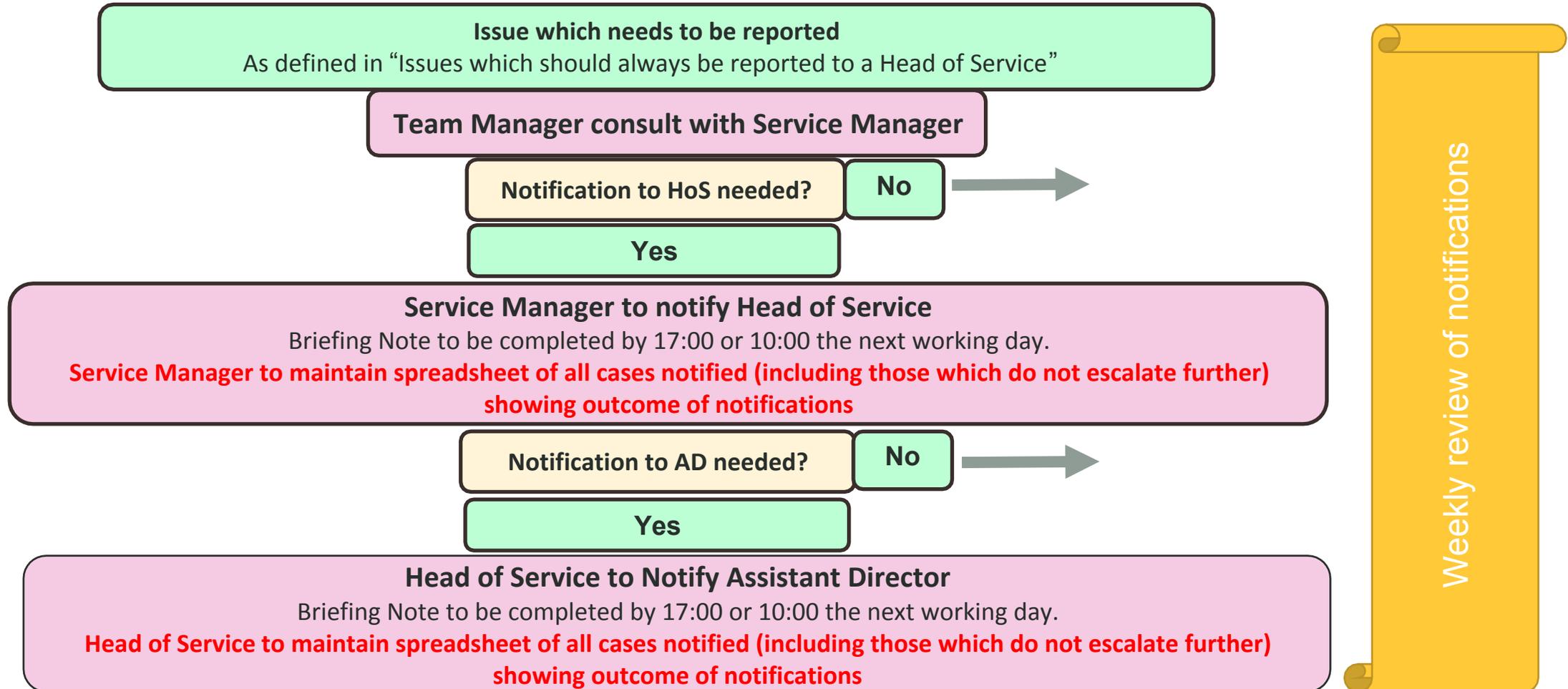
Practice Changes Introduced - Case Panels

Name of Panel	Frequency of Panel
Access to Resources Panel (AO)	Weekly, Monday 2:00pm – 4:30pm Housing Pathways is incorporated in to the Access to Resources Panel and is heard every 4 th week (Monday 2:00pm – 4:30pm)
PLO Panel & Care Proceedings Panel (HOS CP CIN)	Bi Weekly, alternating between PLO & Care Proceedings Panel, Tuesday's 2:00pm – 4:00pm
Legal Gateway Panel (SL)	Weekly, Wednesday, 9:30am – 12:00pm
Permanency Panel (HOS Children looked After)	Fortnightly, Thursday, 2:30pm – 4:30pm
Best Care Best Value Review Panel (CK)	Last Wednesday of Every Month – 2:00pm – 4:00pm

60

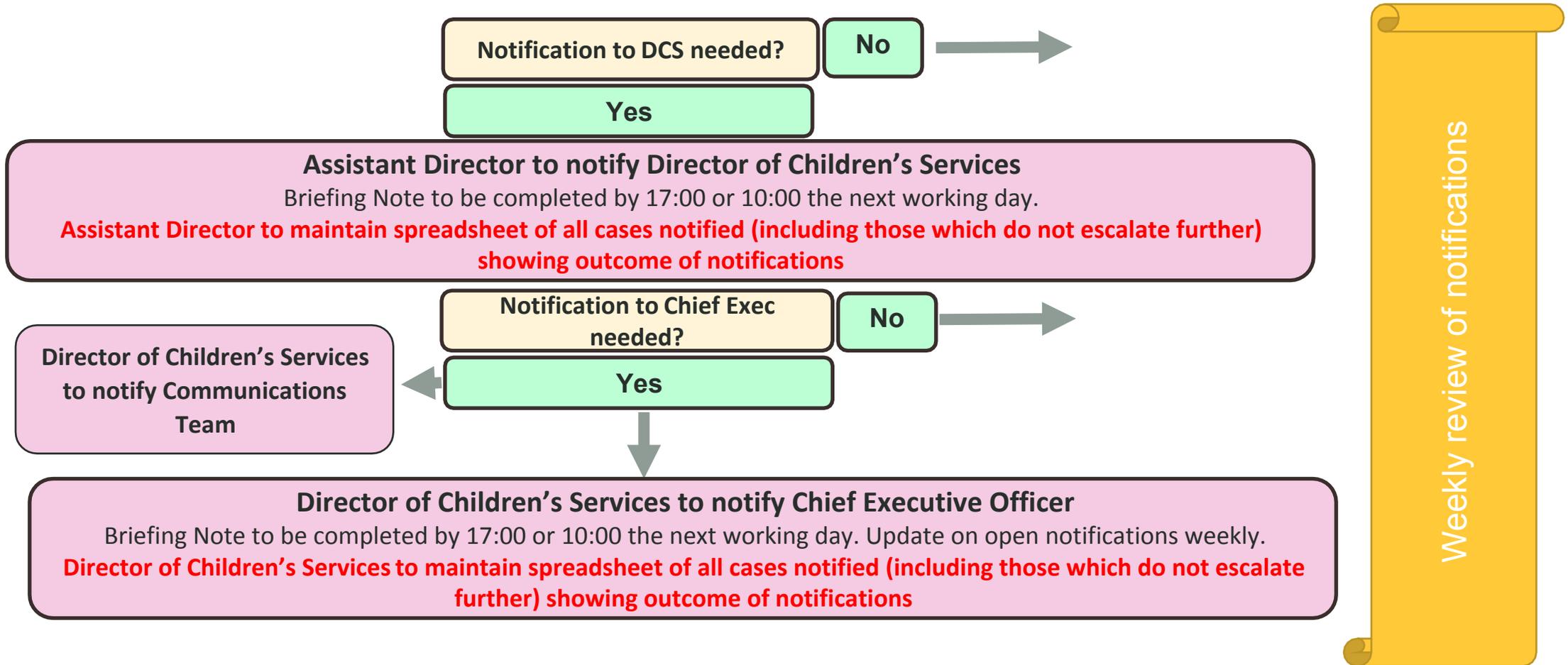
Practice Changes Introduced - 'Need to know' case notification process

61



Practice Changes Introduced

'Need to know' case notification process



62

Audit Update – Week 4 (week ending 23 July 2021)

- The early help audits have now begun.
- To date auditors have undertaken staff surgeries on 146 children's cases and identified 31 (21%) cases for closure and 18 (12%) cases for transfer. There remains a further 227 cases to consider.
- Auditors continue to liaise with workers and managers, where possible, prior to any escalation to clarify information, and they continue to discuss audits with workers prior to confirming actions to ensure that there is full understanding of work undertaken and recognition of activity.

Themes - identified to date

Strengths

- Some work in MASH is good
- There is good management direction seen for MASH workers with specific activity
- Some positive Emergency Duty team (EDT) work identified
- Good work seen by family support workers with children
- CWD cases evidence good child focussed work were support is the focus of interventions

Challenges

- Recording protocols across system are confusing and inconsistently applied
- Inconsistency in approaches leads to lack of clarity of functions and roles
- Risk management and thresholds are not consistently applied e.g. single issue focus
- Signs of safety processes not leading to outcomes or plans e.g. identify risks but then no actions to alleviate them
- Lack of challenge/ professional curiosity
- Lack of consideration of historical information whether internal or OLA e.g. chronologies only focus on current episode
- Systems process issues has identified potentially 4 front doors namely – Calls come in to the Communications Hub who then can send it to either MASH, Domestic Abuse Hub or Early Help Hub – this is being addressed and the system simplified to communications hub straight to Childrens Social Care (MASH) who makes the correct pathway decision

Recent Events and Next Steps

Management Away day (Tuesday 4 August) – Key messages

As a group we have generated a clear understanding of the key actions for our improvement journey, which will enable us to develop quality, child focused practices throughout children services. Whilst valuing our staff and ensuring that we are responsive in relation to professional and personal support.'

We used our priority action plan as a basis for developing service planning approach as follows:

- A template for service planning has been provided to ensure uniformity
- We are confident that most of what is in the plan and relevant to operational services will be captured
- Service plans are being developed by Head of Service' to be submitted to Assistant Director's for quality assurance by end of August
 - Service Manager's will develop their service plan together with their respective Team Managers
 - Each Service Manager will then produce a service plan for their area and each Team Manager will develop a Team Plan
- In early September Assistant Director's will arrange away days with there SMs TMs to do further work on their plans

Performance Data

- Performance data that team and service managers want to see on a weekly basis is being reviewed and will be developed to meet their requirements and more importantly demonstrate qualitative and quality of data against the improvement plan.

Team Building

- Feedback from the day was positive; it was a fantastic opportunity to meet together and develop as a team

Next Steps – Staff Development Programme

Core Skills for Practitioners

A five day course that progresses through the child's journey from early identification of need through to statutory intervention – from Early Help to Permanence

It is suitable for Support workers, Social workers, ASYEs and Senior Practitioners from Children's Services including Early Help.

This ensures that all staff are au fait with the relevant processes and required standards for intervention

- **Day 1:** Relationship based, empathic practice, effective communication skills, working effectively with resistance, critical thinking skills, planning home visits, ethical dilemmas and ethical decision making.
- **Day 2:** The application of social work theory and intervention when undertaking assessments including assessing and managing change. Formulating a hypothesis, undertaking an analysis and developing an outcome focused /measurable support plan using SMART principle; evidencing and capturing the Voice of the child.
- **Day 3:** Child Protection, signs and symptoms of abuse, neglect and brain development, Section 47 enquiries/investigation; undertaking risk assessments and attending the initial Child Protection conference.
- **Day 4:** Children Act 1989, legal threshold and internal legal planning processes, Public Law Outline; placement choices and parental responsibility, permanency planning and Care Planning, Placement and Review regulations.
- **Day 5:** Course Skills session including, court reports, processes, protocols and personnel, rights of audience; various courts and jurisdiction.

Next Steps – Management Development Programme

Core skills for managers

The course is very practical and provides delegates with strategies and tools which they can immediately implement to support them in becoming more effective in their managerial role.

It takes delegates through their managerial journey: from managing the transition from Practitioner to Manager, managing themselves, their teams and individuals within the teams and effectively managing a change process.

Module 1: Managing the Transition from Practitioner to Manager including managerial analysis; impact of style and identification of core activities

Module 2: Managing Self including time management strategies – including time management strategies, effective delegation and prioritization; assessing managerial risks including managing high caseloads and evidencing clear managerial decision making processes

Module 3: Managing in Groups and Teams – including management styles and when to use them, team dynamics; role of the leader and use of different leadership styles

Module 4: Managing Individuals including developing coaching programmes – including developing coaching programme; motivation of staff; recording and use of reflective supervision techniques

Module 5: Managing Change/Service Development – Implementation of change; devise and monitor implementation plans and review of milestones

Next Steps – Learning Workshops

As well as scoping the training above we are developing the following bite size workshops for TM's and practitioners to be delivered August – September. These include:

- ✓ Quality and content of court evidence and planning and organisation to meet timescales
- ✓ Contact referral assessment planning and review

Next steps - Performance reporting development

- Review of data information and development of Key Performance Indicators and Local Performance Indicators with front line managers has been completed
- Analytical development of data informing heat maps/hotspots being undertaken
- Creation of a high level dashboard, evidencing accumulative and quality data to support scrutiny and challenge for example the summary chat tool.



Title of report: Work programme review and tracking of recommendations

Meeting: Children and young people scrutiny committee

Meeting date: Tuesday 7 September 2021

Report by: Democratic Services Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To review progress against previous recommendation, review the work programme for 2021/22 and agree any necessary updates.

Recommendation(s)

That the committee:

- a) Notes the updated recommendation tracker in appendix 1;
- b) Reviews the work programme at appendix 2 and discusses any additional items of business or topics for inclusion in the work programme.

Alternative options

1. It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources. The committee needs to develop a manageable work programme to ensure that scrutiny is

focused, effective and produces clear outcomes. Topics selected on the work programme should reflect issues of current importance facing children's services at Herefordshire Council.

Key considerations

Tracking of resolutions made by the committee which require a response or action

2. A schedule of recommendations previously made by the committee which require a response or action is appended to this report as appendix 1.
3. Key changes since the last meeting include:
 - Decisions on improvement board membership further to recommendations made on 1 June;
 - Details of additional meetings with an improvement focus added.

Forward plan

4. The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. Forthcoming decisions of the children and families directorate will be highlighted by the clerk to the committee as part of the work programming item at each committee meeting.
5. Suggestion for scrutiny from members of the public
6. Suggestions for scrutiny are invited from members of the public through the council's website, accessible through the link below. There have been no suggestions for scrutiny received from members of the public since the previous meeting of the committee.

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/4

Work Programme

7. The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in. The work programme will be reviewed at each meeting of the committee and may be amended as required.
8. The latest agreed work programme for 2021-2022 is attached at appendix 2.
9. Should committee members become aware of any issue they think should be considered by the committee they are invited to discuss the matter with the chairperson, vice chairperson and the statutory scrutiny officer.
10. The following topics for scrutiny have been suggested since the last meeting. The committee is requested to consider these proposed items and confirm if they wish them to be added to the list of items to be scheduled for future scrutiny activity:
 - a. From a member of the council – to follow up scrutiny of the Youth Justice Plan by scrutinising youth justice/'probation' further such as drug treatment/recovery

in young people who are in probation in Herefordshire, including what type of treatment is being offered.

Budget setting 2022/23

11. It has been suggested that it would be beneficial for the scrutiny committees to review proposals for the 2022/23 budget earlier in the consultation process. This would be in addition to the usual scrutiny activity which is currently scheduled for January 2022. Council is due to consider proposals on future scrutiny arrangements at its meeting on 8 October 2021 and this may result in opportunities for joint scrutiny activity rather than each committee reviewing proposals separately. The committee is invited to consider if and when it would wish to undertake additional scrutiny of budget proposals.

Constitutional Matters

Task and Finish Groups

12. A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances but the review is likely to be attended by all members of the committee and chaired by the chairperson.
13. The scrutiny committee will approve the scope of the activity to be undertaken by a task and finish group, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. The committee will appoint the chairperson of a task and finish group.
14. The committee is asked to determine matters relating to the convening of a task and finish group including the scope of the review to be undertaken, the chairperson, membership, timeframe, desired outcomes, what will not be included in the review and whether to co-opt any non-voting members to the group. Such co-optees could consist of individuals with valuable skills and experience that would assist a task and finish group to undertake a review (see co-option below).
15. During its work programming session on 20 November 2020 the convening of a paediatric therapies task and finish group was proposed. A scoping document was approved by the committee at the meeting on 30 April 2021.

Co-option

16. A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed work programme and/or task and finish group membership.

17. The committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Community impact

18. 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. Topics selected for scrutiny should have regard to what matters to residents.

19. The term 'corporate parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for children who are looked after by the council. Being a good corporate parent means we should; accept responsibility for children in the council's care; make their needs a priority; and seek for them the same outcomes any good parent would want for their own children. The committee should be mindful of these responsibilities when undertaking scrutiny work.

Environmental Impact

20. Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

21. 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.

22. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report concerns the administrative function of the children and young people scrutiny committee, it is unlikely that it will have an impact on our equality duty.

Resource implications

23. The costs of the work of the committee will have to be met within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.

24. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.

Legal implications

25. The council is required to deliver a scrutiny function. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.

26. The Scrutiny Rules in Part 4 Section 5 of the Council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups, as below.

27. Paragraph 4.5.28 of the constitution explains that the scrutiny committee is responsible for setting its own work programme. In setting its work programme a scrutiny committee shall have regard to the resources (including officer time) available.

28. Under section 4.5.10 of the constitution a scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances. The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.

29. Under section 4.5.19 of the constitution task and finish groups will report their findings/outcomes/recommendations to the relevant scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

30. The work programme is reviewed at every committee meeting. Additional formal or informal work programming sessions may be arranged as necessary during the year. The work programme may also be reviewed during business planning meetings between the chairperson, vice-chairperson and statutory scrutiny officer.

Appendices

Appendix 1 – Recommendation tracker
Appendix 2 – Work Programme 2021/22

Background papers

None identified

Children and Young People Scrutiny Committee, schedule of recommendations and responses

28 July 2020		
Item	Recommendations	Executive responses / update
Schools Update	<ul style="list-style-type: none"> • The committee recommends that a further survey is undertaken concerning children’s mental health and schooling arrangements during the pandemic; • A briefing note is circulated providing details of the number of private nurseries that have opened in September 2020 and stayed open in October and November; • An update is provided regarding the national catch-up programme; • The work on children’s mental health is prioritised by the committee and includes a review of school pastoral support and a mental health pathway for looked after children; • Further detailed examination of the outcomes of the survey is undertaken to determine how the provision and effectiveness of mental health services were impacted during the lockdown; • An update is provided regarding the attendance rates after the return to school in September. 	An update briefing on the recommendations relating to the schools update will be circulated.

19 January 2021		
Item	Recommendations	Executive responses / update
Provision of children centre service in Bromyard area: pre-decision scrutiny	<p>1) Has significant concerns about the timing of the proposed decision during the current pandemic and the implications for services users. The committee recommends deferral of the decision and extension of the current contract up to 12 months to enable:</p> <ul style="list-style-type: none"> • A comprehensive consultation with the local community, service users and voluntary sector organisations; • Engagement with the HOPE Family Centre to ensure that the Council has necessary evidence to conduct a full and detailed evaluation of the service provided by the HOPE Family Centre and how it compares to the in-house service; • Greater exploration of alternative options including a potential tendering exercise for a commissioned service; • Work to ascertain what staffing arrangements would be put in place to ensure existing HOPE Family Centre staff have a greater degree of understanding about their future roles within the service; and • The committee to undertake a detailed scrutiny exercise on the proposal involving evidence from service users. <p>2) Recommends that in future the committee is made aware of issues of a sensitive and emotive concern to local communities as potential items for scrutiny.</p>	<p>A decision was taken on 19 February 2021 to extend the current contract for the delivery of children’s centre services in the Bromyard reach area to no later than 31 March 2022.</p> <p>The decision also confirmed that further analysis would be provided regarding the benefits and risks of the different options for the future delivery of children’s centre services and that further community engagement would be undertaken to explore the different options for the future delivery of children’s centre services.</p> <p>A further decision on the future of the contract beyond March 2022 will need to be taken in the autumn of 2021 and is proposed to be subject to pre-decision scrutiny.</p> <p>The forward plan will be monitored for forthcoming items and regular liaison will take place between the chair / vice-chair and cabinet member.</p>

23 March 2021		
Item	Recommendations	Executive responses / update
Children and Young People Mental Health	<p>That an update report on CYP mental health is presented to the meeting on 14 September;</p> <p>That the mental health and wellbeing survey is circulated to all members of the committee once completed;</p> <p>That the executive investigates an increase in the number of support assistants trained in emotional literacy in local schools;</p> <p>That the executive looks to work with schools to encourage the identification of safe spaces, as raised by Healthwatch.</p>	On work programme for scheduling
Herefordshire capital investment strategy 2021-2030 for specialist settings educating children and young people with special educational needs and disabilities SEND	<p>The committee supports the strategy but recommends:</p> <p>That the strategy clarifies that the outcomes of the 6th form consultation for Westfield school will inform the scope of the feasibility study; and</p> <p>Requests that further detail is presented to a future meeting of increasing provision offered for children with autism.</p>	<p>The strategy was approved at Cabinet meeting on 22 April 2021. Requested clarification was included in the final version of the strategy.</p> <p>It was agreed at the committee meeting 30 April 2021 that this be listed as an item to be allocated.</p>

20 May 2021

Item	Recommendations	Executive responses / update
Update on children's legal team	<p>A scrutiny panel is established to monitor recommendations arising from notable cases and their implementation and to have an overview of care concern cases;</p> <p>A project plan with timescales of all legal services teams actions, required as part of the overall improvement plan considerations be produced for the July meeting of CYPSC. (e.g. new escalation protocol and end of life protocol); and</p> <p>As part of the project plan, a tasks vs resources available breakdown be produced to identify who does what to show: 1) Where resources and gaps exist; and 2) the actions and timescales to address them.</p>	Scheduled on work programme for consideration in September 2021.

1 June 2021		
Item	Recommendations	Executive responses / update
Children's Services Improvement Plan	<p>That the improvement notice is noted</p> <p>That Jane Ellis, Director of Healthwatch Herefordshire be invited to join the improvement board.</p> <p>That the chairperson of the children and young people scrutiny committee attend the first meeting of the improvement board and that a decision be taken at a future meeting as to whether they should be a permanent member of the board, considering advice from the improvement advisor.</p> <p>That additional meetings of the committee be added to the work programme to deal with improvement board matters.</p> <p>That details be provided to the committee of other authorities who could act as examples of good practice.</p> <p>That the improvement advisor be invited to attend a future meeting of the committee.</p>	<p>Noted.</p> <p>This was discussed at the improvement board meeting of 9 August 2021. Healthwatch will be invited to take a seat on the operational group to be convened by the interim director for children and families.</p> <p>The chairperson attended the improvement board held on 14 June 2021. Membership of the board was discussed at the improvement board meeting of 9 August 2021. It was agreed that the chairperson of the scrutiny committee should not be a permanent member of the improvement board to maintain independence and enable the committee to undertake scrutiny of the activities of the work of the board.</p> <p>Work programme updated with additional improvement focus meeting for September 2021. Requirement for additional meetings to be reviewed as part of work programming.</p> <p>The improvement advisor, Gladys Rhodes-White, attended the work programming session on 16 July and will be invited to attend future meetings of the committee on appropriate occasions.</p>
Looked After Children Performance Report	<p>That the work programme be updated to include a report on corporate parenting and a report on the independent reviewing service and that these should be included in training.</p>	<p>Added to work programme as agenda items for scheduling.</p>
Update on Peer on Peer Abuse Recommendations	<p>An update on the investigation into the historic lack of sharing by the council, including the terms of reference, be shared with the committee by the July meeting.</p>	<p>Terms of reference shared with committee members 28 July and briefing provided to committee members by Natalia Silver.</p>

	<p>That consultation take place with families ahead of the signature of the contract for the mediation service.</p> <p>A quarterly update on peer on peer abuse be shared with the committee, ahead of the July meeting if possible.</p> <p>A list of consultees and approvals be included in the final guidance to schools and included as standard in any similar documents produced in future'</p> <p>That the offer from a member of the public to share their understanding of the Human Rights Act be reviewed at the next committee meeting.</p>	
<p>Report of work of prevent and disrupt group to address child exploitation and the current risk of exploitation in Herefordshire</p>	<p>The committee recommends that arrangements for future meetings and sessions of the prevent and disrupt group that committee members could attend should be advised to the committee.</p>	<p>Invite to Serious Organised Crime Professional Development day (SOCJAG Training) held 2 July 2021 circulated to all councillors.</p>

5 August 2021		
Item	Recommendations	Executive responses / update
Youth Justice Plan 2021-2022	<p>The committee endorse the Youth Justice Plan 2021-2022 for presentation to Council.</p> <p>A written briefing be provided on diversionary schemes and activities.</p> <p>A copy of the national standards and improvement plan be shared with the committee.</p> <p>For the 2022/23 iteration of the plan the committee recommends the inclusion of:</p> <ul style="list-style-type: none"> • increased evidence of consultation with young people and the wider public; • evidence on staff consultation; and • more information on progress on county lines, exploitation and peer on peer abuse. 	Plan to be presented to Council on 8 October 2021.
Co-optee membership of scrutiny committees	<p>The process for the appointment of co-optees set out in appendix one is adopted.</p> <p>The process is used to appoint one representative from the teaching sector.</p> <p>The term of service of co-optees be reviewed with a view to making appointments for more than one year and up to four years, linking to the election cycle.</p> <p>The process is used to recruit an adult representative of families who are or have been supported by social workers and Council be asked to appoint an additional co-optee at its next suitable meeting.</p>	<p>To be included in the report to Council in October 2021.</p> <p>To be included in the report to Council in October 2021.</p>

The induction of co-optees be more structured and include safeguarding training.

Consider how the participatory officer could bring the voice of the child to the committee as and when needed.

**Children and Young People
Scrutiny Committee**

Work programme

06 August 2021

Work programme rationalisation and prioritisation

- Potential items of business have been identified previously and other items may be proposed. These need to be rationalised and prioritised, reflecting the time and resources available.
- Should this go on the work programme?

Yes, if...

- ✓ the issue is strategic, county-wide and not limited to just a few communities...
- ✓ scrutiny is being proactive, able to make a difference at the right time...
- ✓ additional transparency and influence can be added to the topic at hand...
- ✓ there is considerable public interest in scrutiny lifting the lid.

- How can the issue be dealt with most efficiently and effectively?
 - a briefing note
 - a seminar / workshop
 - an agenda item
 - a task and finish group

88

Annual reports

The following reports are recommended to be considered by the committee on an annual basis:

1. Independent Reviewing Officer (IRO) and Child Protection (CP)
2. Adoption Service
3. Fostering Service
4. Principal Social Worker
5. Local Authority Designated Officer (LADO)
6. Health & Wellbeing
7. Herefordshire Children's Safeguarding Partnership
8. Corporate Parenting
9. Youth Justice Plan
10. Complaints/Compliments and Comments

Agreed meeting dates

Thursday 5 August 2021 – mainstream agenda

Tuesday 7 September 2021 – improvement focus

Tuesday 12 October 2021 – mainstream agenda

Tuesday 23 November 2021 – improvement focus

Tuesday 7 December 2021 – mainstream agenda

Tuesday 11 January 2022

Tuesday 22 March 2022

08

Agenda items

Thursday 5 August 2021, 2:30 pm

Publication deadline: 28 July
Questions deadline: 30 July

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Youth Justice Plan [Pre-decision call-in of Policy Framework item]	Standard annual item to endorse the current plan for approval by Council and consider any comments to inform the production of the plan for the next financial year.	Keith Barham, Head of Service, West Mercia Youth Justice Service	Agenda published 28 July. Due to covid-19 there was no Youth Justice Plan for 2020/21. Draft plan 21/22 due to be considered by Cabinet in September 2021 and by Council in October 2021.
Co-optees report	Following a resolution at Council on 28 May 2021 a report to be presented setting out how co-optees, including the additional representative of the teaching sector, are to be appointed.	Claire Ward, solicitor to the council	Agenda published 28 July.
Work programme	To review and approve the updated work programme.		To approve the latest version of the work programme.

69

Agenda items

Tuesday 7 September 2021, 2:30pm
Improvement Focus

Publication deadline: - 27 August
Questions deadline: - 1 September

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
<p>Improvement Plan timescales report [Performance review]</p>	<p>The committee received a report on 20 May 2021 on developments in the children’s legal team. It was requested that the following be added to the work programme for the July meeting:</p> <p>To receive a project plan with timescales of all legal services teams actions, required as part of the overall improvement plan considerations (e.g. new escalation protocol and end of life protocol). As part of the project plan, a tasks vs resources available breakdown be produced to identify who does what to show 1) where resources and gaps existing; and 2) the actions and timescales to address them.</p>	<p>Cath Knowles, Interim Director for Children and Families</p> <p>Kate Charlton, Interim Head of Legal Services</p>	<p>Deferred from 27 July meeting.</p>

06

Agenda items

7 September cont.			Publication deadline: - 27 August Questions deadline: - 1 September
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Draft Improvement Plan [performance review – improvement]	Agreed at committee 5 August 2021, linked to projected cycle of improvement meetings.	Cath Knowles, Interim Director for Children and Families	Pending discussions at Improvement Board to confirm timescales and content.
Director's Update report	Agreed at committee 5 August 2021, linked to projected cycle of improvement meetings.	Cath Knowles, Interim Director for Children and Families	Pending discussions at Improvement Board to confirm timescales and content.

19

Agenda items

Tuesday 12 October 2021, 2:30 pm

Publication deadline: - 4 October
Questions deadline: - 6 October

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Independent Reviewing Officer (IRO) and Child Protection (CP) report [Performance review]	Performance Review – annual report		
92 Children’s Centre services, Bromyard [Pre-decision scrutiny]	The committee undertook pre-decision scrutiny on 19 January 2021 on Provision Of Children Centre Service In Bromyard Area. It was resolved that the committee undertake a detailed scrutiny exercise on the proposal involving evidence from service users.	Richard Watson, Childrens Joint Commissioning Manager	A decision was taken on 19 February 2021 to extend the current contract for the delivery of children’s centre services in the Bromyard reach area to no later than 31 March 2022. A further decision on the future of the contract beyond March 2022 will need to be taken in the autumn of 2021 and is proposed to be subject to pre-decision scrutiny.

Agenda items

12 October cont.		Publication deadline: - 4 October Questions deadline: - 6 October	
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Herefordshire Safeguarding Children Partnership (HSCP) annual report [Performance review]	Performance Review – annual report	Andrews Osei, Interim AD Corporate Parenting Children in Care and Fostering and Adoption	Expected to be delayed due to review.
Local Authority Designated Officer (LADO) annual report [Performance review]	Performance Review – annual report		Query if this should come alongside IRO / CP report?

66

Agenda items

Tuesday 23 November 2021, 2:30pm		Publication deadline: - 15 November	
Improvement Focus		Questions deadline: - 17 November	
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:

Agenda items

Tuesday 7 December 2021, 2:30 pm

Publication deadline: - 29 November
Questions deadline: - 1 December

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Public Health – Dental Health and Childhood Obesity [Performance review]	<p>Current work programme.</p> <p>To provide a report on the high-level action plan for improving oral health in Herefordshire and details of any progress against the recommendations in the oral health needs assessment.</p> <p>To provide an update on work of the council to address childhood obesity.</p> <p>To provide detail regarding the Public Health England better start in life (BSIL) Programme.</p>		

66

Agenda items

Tuesday 11 January 2022, 2:30 pm

Publication deadline: 3 January 2022

Questions deadline: -5 January 2022

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Budget and Medium Term Financial Strategy (MTFS) [Pre-decision call in / policy review and development – Annual Report]		Andrew Lovegrove, Acting Deputy Chief Executive - Chief Finance Officer Josie Rushgrove, Head of Corporate Finance	Arrangements for consideration of the budget may change following outcome of re-thinking governance.

96

Agenda items

Tuesday 22 March 2022, 2:30pm

Publication deadline: 14 March
Questions deadline: 16 March

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Work programme 2022/23	Standard annual item - to agree the work programme and meeting dates for the 2022/23 administrative year	Clerk to the committee	

97

To be scheduled and prioritised or removed (1/4)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Corporate Parenting Strategy [Performance review – Annual Report]	Standard annual item. Also focus on leaving care and preparing for adulthood	Andrews Osei, Interim AD Corporate Parenting Children in Care and Fostering and Adoption	Deferred from 27 July meeting
Adoption Service and Fostering Service annual reports [Performance review – Annual Report]	Standard annual item.	Andrews Osei, Interim AD Corporate Parenting Children in Care and Fostering and Adoption	Deferred from 27 July meeting.
Principal Social Worker [Performance review – annual report]	Standard annual item		
Health and Wellbeing [Performance review – annual report]	Standard annual item		

86

To be scheduled and prioritised or removed (2/4)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Complaints, compliments and comments report. [Performance review – annual report]	Standard annual item		
69 Funding routes to schools and governance around schools funding			Requested at committee meeting 30 April 2021
Early years intervention and prevention			Requested at committee meeting 30 April 2021
Progress report on savings proposals relating to foster carers and sufficiency strategy			Requested at committee meeting 30 April 2021

To be scheduled and prioritised or removed (3/4)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Mental health [Performance review]	The committee received a report on 23 March 2021 on Children and Young People's mental health. It was requested that an update report be presented at the September meeting.	Ceri Morgan, Assistant Director Education Development and Skills Public health	Deferred from agenda for October meeting during discussion of the work programme on 5 August 2021.

100

To be scheduled and prioritised or removed (4/4)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Paediatric therapies T&F Report [Task and Finish Group]			Scoping document approved at committee meeting 30 April 2021. Timescales for reporting back to be agreed.
101 Autism provision and nurture hubs [tbc]	<p>The committee received a report on 23 March 2021 on the Capital Investment Strategy 2021-2030 For Specialist Settings Educating Children And Young People With Special Educational Needs And Disabilities SEND. It was requested that further detail be presented to a future meeting of increasing provision offered for children with autism.</p> <p>It was agreed at the committee meeting 30 April 2021 that this be listed as an item to be allocated.</p>		

Workshops / seminars

Topic:	Origin:	Lead officer(s):	Current position:

Task and finish groups

Topic:	Origin:	Lead officer(s):	Current position:
102 Paediatric therapies			Scoping document approved at committee meeting 30 April 2021
Not in Education, Employment or Training (NEETs)			T&F proposed

Briefing notes (1/1)

Topic:	Target date:	Lead officer(s):	Current position:
Outcome of the audit of the reduction in child protection plans	Summer 2021		
Kick Start Programme	June / July 2021		Requested at committee meeting 30 April 2021. To be produced and circulated prior to the item on the impact of the pandemic
NEETs project	September 2021		
Impact of pandemic on opportunities for school and care leavers	12 October 2021	Ceri Morgan, Assistant Director Education Development and Skills	Agreed to receive as a written briefing in discussion of the work programme at meeting 5 August 2021. (Was previously on the agenda for Sept / Oct committee meeting)
Elective Home Education and current trends	November 2021		

103

