

MEETING	HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE
DATE:	16 NOVEMBER 2012
TITLE OF REPORT:	OFSTED INSPECTION OF LOCAL AUTHORITY ARRANGEMENTS FOR THE PROTECTION OF CHILDREN – IMPROVEMENT PLANNING
REPORT BY:	DIRECTOR FOR PEOPLE’S SERVICES

Classification: Open

Wards Affected

County-wide

Purpose

To enable the Committee to understand arrangements being made to address the findings of the recent OFSTED inspection of early help and child protection services in Herefordshire and to determine the action the Committee needs to take to assure the strength of the improvements being made.

Recommendation(s)

That:

- a) **The Committee determine whether to establish a task and finish group to monitor the effectiveness of the Improvement Board arrangements and to strengthen the governance and oversight provided by Members for early help and child protection arrangements, including advising on the training for all Members.**
- b) **The Committee Consider the grade criteria at Appendix 2 and consider how a complementary work programme could assure over future months that the Council and its partners are on the right trajectory to significantly improve outcomes and experiences of children and families and to secure a ‘good’ rating.**

Key Points Summary

- In September 2012, OFSTED conducted an unannounced inspection of Herefordshire’s arrangements to protect children.
- The outcome of the inspection was that Herefordshire’s arrangements to protect children

are deemed to be inadequate.

- An Improvement Board has been set up by the Director for People's Services in consultation with the lead member immediately in order to address the issues raised, in line with best practice.
- The progress of the Improvement Plan will be monitored through an Improvement Notice, by the Department for Education and by the Minister, Edward Timpson M.P.
- It is anticipated that it will take approximately 18 months to demonstrate sufficient progress and the sustainability of that progress to be released from this Improvement Notice.
- It may be appropriate for the Committee to provide local scrutiny of the effectiveness of the Board on behalf of the people of Herefordshire. This would augment the monitoring that will be in place through the improvement notice.

Alternative Options

7.1 There are no alternative options to this process which has a statutory basis to it.

Reasons for Recommendations

8.1 Overview and Scrutiny Committee will wish to consider how best to become involved in the contribution to and monitoring of progress associated with the Improvement Plan.

Introduction and Background

The OFSTED inspection

- 9.1 OFSTED carried out a two week unannounced inspection of the early help and child protection services in Herefordshire between 10-19 September 2012. This was carried out under a new framework which is being used for all council areas currently graded as adequate or inadequate. These arrangements will be replaced in 2013 by a new unannounced multi-agency, multi-inspectorate inspection framework of early help and child protection arrangements which will inspect all agencies at the same time.
- 9.2 This inspection relates to the local authority arrangements for the protection of children, including the effectiveness of the practice of other agencies involved in safeguarding children. Herefordshire was the fourth area to be inspected in the country, through a process which, rightly, raises the bar on practice and impact.
- 9.3 The inspection report can be accessed from this link, <http://www.ofsted.gov.uk/local-authorities/herefordshire>. The report identified a number of strengths in the early help arrangements, which have been lead by the Council and overseen by the local Safeguarding Board; it also identified some improvements since the last full inspection in 2010 and the unannounced inspection of the duty referral and assessment arrangements, in 2011.
- 9.4 However, as has already been announced, the inspectors identified a number of significant weaknesses in the quality and effectiveness of child protection practice, the effectiveness of leadership and governance in child protection and therefore the impact of the child protection services on outcomes and experiences for children and their families. As a result of these weaknesses, OFSTED judged arrangements in Herefordshire to be inadequate for all elements.

Key Considerations

Improvement planning

National arrangements

- 10.1 Under the national arrangements, all councils graded inadequate (currently in the region of 23 for early help and child protection and a further 17 for adoption and/or fostering services) are considered to require the oversight of the Department for Education (DfE), to ensure the improvements made are as rapid as possible, and are likely to continue to improve. It is likely that Herefordshire will require an Improvement Notice from the Minister which will be developed with the Council. This will set out the specific improvements to be made and the timescales for doing this. National evidence shows that most authorities improve to an 'adequate' rating within 18 months to 2 years from the original inspection. A verbal update will be given to the Scrutiny Committee about the Improvement Notice, following a meeting with the DfE officials on 23rd October 2012.

Improvement Board

- 10.2 The Council and its partners have taken advice from the national Children's Improvement Board and from other Safeguarding Boards and Councils on the actions which have most impact on improving arrangements rapidly. An Improvement Board has been established comprising Chief Officers of all relevant organisations, or their most senior nominees; the Lead Member for the Council; external advice from the DfE and the Children's Improvement Board and an experienced Independent Chair, Paul Curran. The Terms of Reference of the Board are attached at Appendix 1.
- 10.3 The Board is determined that improvements are seen as the responsibility of all agencies and organisations, and not just as a Council issue to resolve. It has set the goal of achieving a 'good' OFSTED grading in the future; the current grade criteria for this are attached at Appendix 2. Scrutiny may wish to reflect on these criteria and consider the role it could play in assuring, over time, that the necessary changes are having the impact they need to.

Improvement Plan

- 10.4 In common with other Authorities, the Council and its partners has created a draft improvement plan. The plan identifies the improvements necessary in:
- The outcomes for children, young people and their families
 - The quality of practice
 - The effectiveness of the help and protection provided
 - Leadership and Governance
 - The arrangements for and the effectiveness of multi-agency arrangements
- 10.5 The plan tackles the greatest areas of risk first and lays the foundations for more effective practice. One of the current weaknesses in child protection arrangements is the understanding of the experience and views and opinions of the children and young people we are protecting. The Improvement Board has, therefore, established outcome measures which keep firmly in the minds of staff, managers, members and non-executive directors, the central importance of these experiences and views:
- I know who to talk to and I am listened to
 - I feel I am getting the help I need

- I am protected from harm
- I am helped by people who know what they are doing
- My family are getting the help they need

10.6 The improvement work has been broken down into 7 areas of work:

- Front line practice
- The development of the Herefordshire Safeguarding Children Board
- Developing the workforce, including recruitment and retention
- Multi-agency safeguarding hub
- Commissioning and contracting improvements, including addressing gaps in services
- Looked after children services (this is not a requirement of the Inspection as these services were not subject to inspection. However it is prudent to ensure that the service improvements are as far reaching as possible whilst not losing focus)
- Quality assurance and performance management arrangements

10.7 The plan is very much a work in progress, but is available for Members who wish to look at it.

10.8 A work area under development is leadership and governance arrangements of the council and its partners, including strengthening and improving the role of Members and senior officers. Scrutiny will particularly wish to consider two aspects of this:

- What is Scrutiny's own assessment of its effectiveness and what help would it wish to access to improve?
- How will Scrutiny play an effective assurance role over the next 18 months, which complements the role of bodies such as the Safeguarding Board and the Improvement Board?
- Scrutiny might wish to consider establishing a task and finish group to develop expertise and understanding in this area to advise and inform the rest of the committee.

10.9 The Improvement Plan is currently with managers and teams for discussion and development, to ensure that everyone understands what we are aiming for; everyone can play their part in fulfilling their own individual responsibilities effectively and each individual person is clear what their own improvements need to be.

Monitoring the effectiveness and impact of the Plan

10.10 The plan will be closely project managed and workstream leads will be expected to report on the progress of

- Actions and timescales
- Whether all staff are now operating within new models of working/policies/procedures/expectations
- The impact this is having on children, young people and their families

10.11 Early progress reports will focus on whether the actions necessary have taken place when people said they would; over time this will then move to monitoring compliance and then finally impact. The Improvement Board will be checking from a number of qualitative and quantitative angles whether the necessary changes to culture, activity and impact have taken place through:

- Stakeholder and Service User consultations
- Audits, surveys and practice observations
- Child Protection and Looked after Data – benchmarked and looking at trends over time
- Workforce data, supervision records, career professional development data and quality assurance
- Commissioning data

10.12 At specific points during the improvements, the new Healthwatch organisation will also be involved in collecting user experience data; the Council will also be commissioning a peer challenge and a peer review to provide external validation and learning. The Independent Chair of the Improvement Board is likely to be required to make three monthly progress reports to the DfE. The next inspection of these services is likely to be in 18 months to 2 years.

10.13 Scrutiny will wish to consider the assurance role it too will play and the frequency of reporting it would wish to have. The purpose of the Improvement Plan is to secure rapid and long lasting improvements which enable the usual mechanisms to operate effectively without the need for additional improvement activity.

Update on the immediate actions

10.14 The Committee will be aware that there were four immediate actions required of the Council and its partners. At this stage, the expectation is that process actions will have been put into place, with the impact of these reported at a later date. In brief, the actions taken so far are:

Arrangements for the audit of all cases closed within the last three months and for all current cases to be risk assessed, have been made, through the commissioning of an organisation to carry out this work on the Council's behalf. This extensive piece of work to audit over 1600 cases, is scheduled to take place from 12th November until 15th December, 2012.

10.15 A programme of workshops have commenced to reinforce compliance with statutory guidance on strategy discussion and child protection enquiries. This work is further reinforced by an intensive team management coaching and mentoring support programme which is also underway and due for completion in December, 2012.

10.16 Performance information related to social workers visiting children in need and those in need of protection is being both scrutinized and further developed to ensure that children are visited regularly. These practices are also being reinforced by the programmes referred to above.

10.17 Scrutiny of legal planning meetings over the last six months has identified that there is no evidence of any other delays in legal planning meetings other than those cases identified by the inspectors.

Staffing issues

10.18 The child protection system has staff and front-line managers from a range of different professions and organisations. Each organisation has to ensure it has enough qualified, experienced and skilled staff and managers.

10.19 The findings of the report have been accepted and work is in place to ensure we have a full understanding of strengths and weaknesses, to make some fundamental changes. Staff at the front line continue to focus their efforts on meeting the needs of the children and families on their caseloads. Staff and managers are being provided with help, support and coaching, alongside analysis of skills and capability. In an already vulnerable situation, the position of

the front line management in four teams has become more vulnerable, with some staff leaving, or expressing a wish to change role. The level of management vacancies and staff absence in the child protection and children with disabilities team is of concern. Short and long term solutions are being explored. Meanwhile senior managers are prioritising time with the front line teams to offer support, reassurance and leadership during this unsettled period. .

- 10.20 Staff are very prepared and eager to address the findings. We have many excellent staff working in an extremely complex and sensitive area of business. The improvement plan and associated monitoring and holding to account needs to ensure that those staff are able to flourish in an environment of appropriate support and challenge with barriers to effective working removed as rapidly as they can be.

Community Impact

- 11.1 The improvements planned will lead to a positive impact on the most vulnerable children and families in Herefordshire.

Equality and Human Rights

- 12.1 By the nature of its work Children's early help and child protection services, in the exercise of their functions, have due regard to the need to -
- eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

Financial Implications

- 13.1 Members have protected and enhanced the child protection budgets over the past 3 years. Over the past two years the budgets for children's safeguarding has increased by 14.8% against an overall council budget reduction of 9%.
- 13.2 The current resource plan for the Improvement Plan is costing in the region of £364 in the current financial year and £630k projected for 2013/14,, of which £75-100k can be funded from a national improvement grant.
- 13.3 In common with other local authority areas, there is already an increase in activity in the child protection teams, with the number of Child Protection Plans increased from 169 (September 2012) to 193 (November 2012). This increase in activity is expected to extend to an increase in the number of children in care and children in the early help system, at the same time that the government is reducing the size of the early intervention grant in Herefordshire.
- 13.4 By the end of December around 1600 children's cases will have been re-examined and it is anticipated that more work will flow from this, alongside the day to day work of new children coming to the attention of services. These challenges are being built into the budget planning for 2013 and beyond.

Legal Implications

14.1 This report does not raise any legal issues and arises from a mandatory statutory process

Risk Management

- 15.1 A risk register has been developed. The most significant risks are:
- 15.2 The recommendations of the plan include the requirement to audit all open cases (1100) and closed cases over the previous 3 months (500). This audit work is likely to identify the need to reopen a considerable amount of cases and to escalate a considerable amount of cases to Child Protection concerns. Should this risk materialise, additional staff will be required at significant cost. Therefore the resource register has identified the potential costs, but a resource to support these costs has yet to be identified. Recruitment to new and vacant roles however remains a challenge.
- 15.3 Additionally, the numbers of looked after children may increase which could affect placement costs. Currently there are mitigating plans in place, including some savings made this year through successful savings strategies.
- 15.4 Staff concern resulting from a critical inspection may also affect decision making and sound judgements, therefore creating a risk that children may not be appropriately safeguarded. A range of training and staffing support measures are currently being planned and put into place to mitigate against this risk.
- 15.5 Additionally raised awareness resulting from the publication and dissemination of this report may result in additional concerns being identified in children from other agencies, at an earlier point. Whilst this is positive for families, the risk is the additional demand which is difficult for agencies to meet.

Consultees

16.1 The Improvement Plan covers activity by the Council, the police, the Probation Service, Wye Valley NHS Trust, 2gether Mental Health Foundation Trust; the Clinical Commissioning Group, NHS Herefordshire, the voluntary sector, schools and early years sector.

Appendices

- 17.1 Appendix 1: Herefordshire Children's Improvement Board – Terms of Reference
Appendix 2: Ofsted current grading criteria

Background Papers

- 18.1 OFSTED Inspection of local authority arrangements for the protection of children – Herefordshire
- 18.2 Herefordshire Supporting and Protecting Children - Draft Improvement Plan