

COUNCILLORS QUESTIONS TO CABINET – 12 April 2018Question 1

Councillor RI Matthews

In a recent Family Court Case brought against Herefordshire Council, the Hon Mr Justice Keehan stated ‘ I have never before encountered two cases where a local authority has so seriously and serially failed to address the needs of the children in its care and so seriously misused, indeed abused, the provisions of Section 20 of the Children’s Act 1989.’

What action is being taken to address this issue?

Response

Herefordshire Council has received a judgment from the Family Court, which highlights specific past failures in the application of section 20 of The Children Act 1989 (which applies to looked after children and their parents). Section 20 refers to a voluntary agreement between those with parental responsibility and the council, for the council to look after the child. If there is not a voluntary agreement in place children can become looked after through a court order. We regret these past failings in relation to the use of section 20 and, prior to the judgement being received, we had changed our practice to reduce the likelihood of similar cases occurring in future.

Herefordshire Council continues to work to keep children in Herefordshire safe and give them the best start in life. The actions taken now ensure that all requests for children coming into care are presented to a legal gateway meeting, every agreement to voluntary care must be reviewed by a member of the legal team within 28 days, social workers must consider the capacity of individuals with parental responsibility when seeking informed consent for an action, and this capacity must be assessed by independent reviewing officers.

It is important to note that in his judgement Mr Justice Keehan praises the care the two children have received from Herefordshire Council foster carers. He stated that “None of the criticisms in this judgment should be read as referring to or reflecting upon either of these foster carers. I have nothing but admiration for the stable and nurturing care they have given to both boys” Mr Justice Keehan acknowledged the changes we have already made to reduce the likelihood of similar cases in future and was very positive about the current approach in Herefordshire. A recent court judgement praised Herefordshire for its appropriate use of section 20 and the work of our social workers.

At its meeting on 16 April, the Children and Young People's Scrutiny Committee will be considering the establishment of a cross party task and finish group to look at our use of Section 20 orders, and review the processes we now have in place to ensure their appropriate use. I very much welcome this step and look forward to receiving the report of their findings.

Supplementary question

It can be taken as read that every local authority in the country will have been made aware of this court case and whenever it is referred to in the future Herefordshire Council will be remembered as the guilty party so it is essential we put things right. Can you tell us what the total financial cost will be to taxpayers in respect of legal and staff cost incurred in conducting this case?

Response

We are not in a position to give a figure at this stage. It is my understanding that historically other authorities have used section 20 orders in a similar way to Herefordshire, so it is not a question of highlighting Herefordshire as being the only one to have used these procedures in this way. The matter has evolved so we have learned from the issues we have had to face and hope that other authorities will also learn and implement changes as swiftly as we have done.