

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

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

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

Recommendation(s)

That:

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

Alternative options

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

Key considerations

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

Community impact

6. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.
7. The recommendations made by the spotlight review of dental health and childhood obesity services contributes to priorities in the corporate plan to: keep children and young people safe and give them a great start in life; and secure better services, quality of life and value for money.

Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

Resource implications

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

Legal implications

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

Risk management

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

Consultees

14. None.

Appendices

Appendix 1 – section 20 task and finish group report

Background papers

None identified