

All Member Briefing

Court Judgments

Thursday 20 December 2018

Children and Young People

- 38,100 children and young people under 19 years old
- 49 percent of children aged up to 16 living in rural areas
- 4,500 children with special educational needs
- 326 looked after children 10/12/2018
- 117 children with child protection plans 10/12/2018
- 228 child in need 12/12/2018
- 917 Early help assessments,
- 1 January 2014 to 30 November 2018 there have been 94 adoption orders granted for Herefordshire children.

Case 1

Half sisters, sister 1 and sister 2, having the same mother and different fathers. Made subject of care orders and placement orders on 2 May 2008. Neither were ever placed for adoption.

Justice Keehan judgement states:

“The care of and care planning for both these young people by Herefordshire Council has, over the last ten years or so, been woeful”

Issues highlighted by Justice Keehan:

- lack of follow through on adoption plan
- Failure to revoke placement orders as required
- Poor standard of case recording and chronology, making case history difficult to follow
- Lack of clarity in decision making, particularly decision not to place sisters together
- High number of moves of placement for each sister, detrimental to good outcomes
- High turnover of social workers, managers and Independent Review Officers involved with the sisters
- Particularly poor standard of care leaver accommodation for sister 1 in October 2018.

Case 2

Twins proposed to be adopted, by different prospective adopters.

Justice Keehan judgement states:

“I am satisfied and find that the court is in the position of considering applications to adopt the twins in two separate homes because of the incompetence and serial failings of the local authority, Herefordshire Council, and the egregious behaviour of some of its former staff.”

Issues highlighted by Judge Keehan:

- Lack of adherence to court approved care plan to pursue foster placement together for three month period
- Lack of completed and signed social work “together /apart” assessment to inform decision making to separate twins
- Inappropriate paraphrasing of psychologist report in social work assessment, altering original psychologist opinion on separation
- Lack of IRO challenge to decision to separate twins and ensure adherence to court approved care plan.
- Poor, delayed case recording, in some instances up to two years out of date
- Lack of management action to address delay in case recording
- Apparent deletion of vital information pertaining to children, so not disclosed to prospective adopters in CPR
- Delay in providing all relevant paperwork to the court

What are we doing?

- Chris Baird and Liz Elgar have offered to meet the young people and the adopters in the New Year to offer our apologies in person and also to find out what more we can do to improve our services from their perspectives.
- Change in senior management earlier this year. Stronger supervision and decision making arrangements have been put in place across children's services. Mr Justice Keehan has recognised this in his findings.
- Liz Elgar now chairs Placement Panel every Tuesday. This reviews individual child cases and also looks at cohorts of children, for example those placed with parents or in kinship care. This includes children who are the subject of placement orders who will be reviewed on a six-monthly basis.
- Agenda for Adoption Reviews has been amended to reflect guidance set out in section 1 of the Adoption and Children Act 2002, to establish if the court approved care plan has been changed.
- Legal department holds six-monthly legal review meetings of all children under placement orders. This should ensure that decisions are not made without Adoption Decision Maker (ADM) consideration.
- A sibling separation tool is being introduced for managers to ensure the decision to recommend to separate considers all relevant matters before it is presented to the ADM and is clearly recorded on the Mosaic system. The completed sibling separation tool will be required at panel.
- The current expected practice is not to remove any information from MOSAIC but to update information in a new font. This means that changes are recorded as changes rather than deleting previous information.

What are we doing? – Independent Reviewing Officers (IRO) Service

The primary task of the IRO is to ensure that the care plan for the child fully reflects the child's current needs, the actions set out in the plan are consistent with the local authority's legal responsibilities towards the child. Their duty is to challenge poor corporate parenting.

- Independent review of the IRO service by Doncaster LA
- All IROs have been provided with legal guidance for IROs on challenging decisions of the LA, inc. in a laminated hard copy. The guidance stresses that the individual IRO is personally responsible for activating the dispute resolution process.
- Increased management oversight and implementing robust processes to ensure any concerns are raised.
- Established a learning exercise on the cases which will be completed by 31st January 2019 with all involved. We will then take the wider learning to all staff.
- We will adopt this approach for any cases in the future that we need to get a clear understanding on the presenting issues and what may have happened in the past, particularly if the case is possibly going before the court.

Questions you may have

Are there any other cases?

Deputy solicitor has said that we do not have any others at the moment. However, other issues may emerge including historical practice when a case comes before the court and a judge looks back on the history

How can I be a good corporate parent in light of this?

Being a good corporate parent means you:

- make their needs a priority
- seek for them the same outcomes any good parent would want for their own children.

You can still do this in your role as a councillor; it's really important

Has action been taken with staff?

We have already put in place changes in advance of the judgement. Many of the staff who were involved in the cases are no longer working with Herefordshire. We have begun a whistleblowing investigation into one aspect of one of the judgements. This is being carried out by another local authority. We had a review and learning session this morning to look at what more we can learn and we will put in changes as a result.

Questions you may have

How can I be assured that this will never happen again?

The council works with hundreds of children who are at risk of significant harm, or who are not thriving. We will continue to do so. There are a number that do need our support and protection.

What we are doing is becoming more consistent and better at our work once we become involved. That is what we are focused on.

How can I be assured that what I am hearing is accurate?

Very open approach - external challenge and support.

2017 and 2018 LGA peer review of cases; full safeguarding peer review, peer challenge on culture. Shared the feedback with members, partners and the safeguarding board. Used them to make improvements.

2018 Ofsted inspected our children's services. What they found did mirror what we had said about ourselves.

Actively share our Information at the performance challenge sessions with group leaders, we have scrutiny committee reviewing different aspects of service and we have the Herefordshire Safeguarding Children's Board that also provides independent scrutiny.

Ofsted June 2018

- Rated as Requiring Improvement overall
- No children seen at risk of significant harm
- Concerns raised are dealt with effectively
- Recent examples of improvement in action – Section 20
- Some areas of good practice Early Help, MASH, Children with disabilities, 16+/leaving care, Adoption, Fostering, LAC service, Local Authority Designated Officer, approach to child sexual exploitation, missing, education at home
- Too many children receive a poor service
- Inadequate for leadership and management
 - Creating the conditions for good social work to flourish
 - Capacity at management, social worker, support work levels
 - Management grip

Findings from LGA Peer Review 2017 & 2018

- There has been real and demonstrable progress made on your improvement journey
- Corporate and directorate leaders, and staff, are to be commended for their commitment to driving forward improvement
- All leaders are committed to develop and improve services for children and families, senior council officers and members are open to an invest to save approach and have committed resources to ensure improvement happens and is sustained

LGA Peer Review continued...

- Ensure that capacity and investment at the frontline are matched to current and future demand levels, both across the service and across teams
- Some of your outstanding issues are as much about ensuring consistently good social work practice as new provision
- There has been a focus on managing the flow into child protection and reducing high cost intensive interventions
- We recognise that a lot of good work already exists in Early Help and that new processes and strategies will bring further improvements once fully embedded.
- We believe that to consolidate and help you on the next stage of your improvement journey investment in early help and wrap around services is needed as well as 'one service/integration' across Early Help, Children in Need and Child Protection.

Performance and Improvement

- Relentless focus on performance information and improvement
- Some significant practice and management culture changes required. Not uniform across the service
- Open about performance:
 - Performance challenge sessions monthly with all group leaders, cabinet member, scrutiny chair, cabinet support member. These sessions were praised by the corporate peer review team in February. These sessions are entirely open – with the standing agenda being that members can request information on presentations on any aspect of children’s services. These sessions deal with difficult information, and do not gloss over performance weaknesses.
 - Scrutiny, including task and finish groups
 - Herefordshire Safeguarding Children’s Board
 - Cabinet and council performance report
 - Ofsted, DfE, Local Government Association
 - Improvement plan submitted and agreed by Ofsted Oct 2018 – monthly monitoring

Performance and Improvement

Some external recognition of improvement – Judge Plunkett, S20:

I wanted to pass on HHJ Plunkett's compliments to the local authority. He remarked on the fact that the local authority has worked extremely hard along with others in the matter, and that given the context of section 20 at Herefordshire Council the local authority has acted most appropriately in bringing the matter to court and seeking judicial oversight of the matter. He thanked the local authority for this sensible and considered approach.

Still challenges about improving practice and management culture

Councillors' Q & A

Do you have any comments or questions?