

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.

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.