

Minutes of the meeting of Children and Young People Scrutiny Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 11 October 2022 at 2.00 pm

Councillors Physically Present and Voting:	Councillors: Daron, Toni Fagan, Helen l'Anson, Mike Jones, Pratley and Fiona
Councillors in Remote Attendance:	Councillor Graham Andrews
Cabinet Members in Attendance:	Councillor Liz Harvey, Cabinet Member - Finance, Corporate Services and Planning
Co-Optees In Attendance:	Councillor Diana Toynbee, Cabinet Member – Children and Families Wiktor Daron, Representative of the Archdiocese of Cardiff Sam Pratley, Representative of the Diocese of Hereford Fiona Reid, Representative of Families

Officers: Chief Executive, Head of Chief Executive's Office, Corporate Director for Children and Young People, Service Director for Safeguarding, QA and Improvement, Statutory Scrutiny Officer

105. APOLOGIES FOR ABSENCE

Apologies were received from the Leader of the Council Cllr D Hitchiner, and Cllr J Stone.

106. NAMED SUBSTITUTES

None.

107. DECLARATIONS OF INTEREST

None.

108. MINUTES

The minutes of the meeting held on 26 July 2022 were agreed as a correct record and signed by the Chairperson.

109. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 12)

Questions received and responses given are attached as Appendix 1 to the minutes.

110. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions received from Councillors.

111. INSPECTION OF HEREFORDSHIRE CHILDREN'S SERVICES

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The Committee gave consideration to the report as set out on pages 13-36 of the agenda.

The Director for Children and Young People provided the Committee with a summary of the key findings arising from the Ofsted inspection of children's services and outlined the actions undertaken during and in the immediate aftermath of the inspection to address key areas of concern. It was confirmed that development of the action plan in response to the report was progressing at pace and includes a number of engagement activities about to commence. The directorate were working closely with the appointed Children's Commissioner, Eleanor Brazil, and were further developing their performance and management information systems, as well as preparing to undertake a self-evaluation of practice which it was intended will be completed by the end of January 2023, with a view to this to be presented to a future meeting of the Committee. Work remained ongoing to review and improve services for children and young people with special educational needs and/or disabilities, which had recently been the subject of a peer review to also be presented to a future meeting of the Committee. The directorate were working with partners to ensure that the response to Ofsted and the action plan were multi-agency led, and arrangements were being made to convene a summit of key partners in the near future.

The Committee sought assurances from the Executive and senior officers that key actions and improvements would be delivered in the following key areas:

- (i) Leadership
- (ii) Corporate Responsibility:
- (iii) Multi-Agency Safeguarding Hub (MASH)
- (iv) Support Services
- (v) Performance and Quality Assurance
- (vi) Monitoring and Tracking
- (vii) Voice of Children and Families
- (viii) Quality of Practice
- (ix) Management & Culture
- (x) Workforce,
- (xi) Human Rights and Scrutiny

Leadership

The Committee sought assurance, in light of previous reports having identified similar findings to the recent Ofsted report, on what would be done differently to ensure that failures were addressed and successes against key improvement measures could be sustained. Assurance was also sought that Human Resources support would be provided to sustain a stable and high performing workforce to deliver the necessary pace of change.

It was confirmed that the directorate now receives support from a dedicated senior HR officer exercising oversight of areas including contractual matters, performance, and recruitment and retention. The challenges of recruitment and retention in the social care sector were well documented and it was acknowledged that the recent Ofsted judgement had not helped in this regard, but significant effort was being made to try to improve the Council's recruitment offer.

The Chief Executive acknowledged his personal responsibility for championing improvement across the organisation, but also stressed that there was a collective responsibility held by the Council and its partners to work together to navigate the improvement journey. It was confirmed that each member of the corporate leadership team (CLT) had been assigned a leadership role and would be personally leading on key

individual areas of work, whilst the Council would also be reaching out to leaders in the community and voluntary sectors.

Corporate Responsibility

The Committee expressed concern that information had emerged in the national press on 1 October 2022 regarding financial settlements that had reportedly been made with respect to purported breaches of the Human Rights Act which members of the committee had not been previously made aware of. It was explained that payments arising from Human Rights cases could arise through a variety of means such as formal court judgements, legal settlements and insurance claims. The Council's constitution formally empowers qualified legal staff to agree payments on behalf of the organisation, and there were barriers to disclosure of details of such cases due to the risk of being found in contempt of court or breaching the confidentiality of individual families. The corporate risk of litigation was assessed and monitored via the Council's risk register, which was reviewed at least bi-annually under the remit of the Audit and Governance Committee. The Committee agreed with a suggestion by the Cabinet Member for Finance, Corporate Services and Planning that the Committee might find it useful to review the corporate risk register for the children's services directorate at a future meeting, and suggested that it would be useful to learn how the risk level for Herefordshire compares with the level identified by other local authorities.

The Committee also questioned whether the examples of the payments rendered previous assurances provided to the committee that the Council's legal services team were adequately trained and conversant in the application of the Act were inaccurate. It was agreed that clarity should be sought from the Monitoring Officer regarding what access social workers have to expert legal advice to embed quality in social work practice.

Assurances were sought as to whether all payments had now been made and that all outstanding claims had now been settled.

The Committee expressed further concern that employees within children's services had undertaken much of their continuing professional development (CPD) through online self-assessment, which was considered to be a weak tool in comparison to face to face methods. An assurance was provided that the qualitative value of face to face training with peers was recognised by managers, and work continues to improve the training offer in this area, for example through lunchtime learning sessions and judicial training in family courts to enable less experienced social workers the opportunity to learn court skills.

Multi-Agency Safeguarding Hub (MASH)

The Committee sought assurance that the failures identified within the Ofsted report relating to the lack of a timely and appropriate multi-agency response to children and young people at risk of harm were being urgently addressed. It was acknowledged that under-resourcing and under-development of inter-agency partnerships over a sustained period of time had led to a loss of effective grip over these issues, and in order to address the situation, systems had been established to ensure weekly tracking and monitoring could be undertaken; the director for children's services had taken over as the Chairperson of the safeguarding partnership and had arranged for multi-agency audits to monitor the timeliness and quality of strategy meetings within the MASH; additional management and social work capacity had been added to the MASH; and dedicated office and meeting space at the Plough Lane offices had been created, with police colleagues due to move in imminently and an ambition to enable further co-location with other partner agencies in the future.

A question was raised in relation to whether having the Director for Children and Young People as Chairperson of the children's safeguarding partnership board could create a conflict of interest, but it was advised that it was common for the chairmanship to be held by a representative of one of the three strategic partners (the local authority, health and police), and in many cases this would be the Director for Children and Young People.

Support Services

The Committee sought assurance from the Cabinet Member for Children and Families that the availability of support and services for timely access to therapeutic interventions, access to dentistry, life story work and emotional and mental health support, help for young people to support the transition to independence and sufficient, suitable accommodation were being improved. The Cabinet Member for Children and Families advised that some of these services were not under the direct control of the Council, but provided an assurance that the Cabinet was lobbying its partner agencies extensively to drive improvement to the quality and availability of these services, and in relation to transition there was increasingly close cooperation between the adult social care and children's social care directorates, overseen by the director of community and wellbeing.

Performance and Quality Assurance

The Committee noted that assurances had been given on previous occasions that the findings of external inspections would be reviewed, considered and acted upon in order to deliver improvements, but these had not been successfully achieved. Therefore, the Committee sought confirmation as to why senior leaders were optimistic that the response to the latest Ofsted report would be measurably different, and asked what achievements there had been during the previous twelve months to support this optimism. It was explained that Ofsted had recognised clearly in its report that the directorate had spent much of the previous twelve months managing different crises and building the infrastructure for future improvement, such as adding extra capacity, bringing down officer caseloads and increasing management and supervision activity. It was reiterated that the improvement journey will be starting from a very low base and whilst the framework for future improvement was being established, this had come too early in relation to the timing of the Ofsted report for material improvement to be evidenced. There was however, confidence that due to enhanced systems robustly monitoring key performance measures, when Ofsted come back to conduct a reassessment they will be able to see evidence of a dramatic improvement in practice standards.

The Committee noted that the report contained references to early signs of improvement from a low base, such as reductions in caseloads, better use of performance management information and the appointment of a permanent senior leadership team, and further noted that some examples were given of current good practice within the directorate, including the edge of care service, the virtual school and the exploitation team support. In view of this, the Committee asked that consideration be given to assessing how the strong performance in these areas could be replicated or learned from across those services areas identified as currently performing inadequately.

Monitoring and Tracking

The Committee sought assurance that the monitoring and tracking of both existing and new cases were being improved at a sufficient pace to satisfy the expectations of the appointed Commissioner. It was clarified to the Committee that the role of the Commissioner was not to report upon whether the Council had significantly improved by the end of the year, but rather to report upon the Council's capacity to improve and whether satisfactory plans and resources have been put in place. The Commissioner had advised members directly at the Extraordinary Council meeting in September that

typically it can take a number of years for a local authority to improve from an inadequate rating to a good rating.

The Committee noted that a number of other local authorities have had to undertake their own journeys of improvement within children's services and asked for confirmation that the Council would be seeking to identify ways of emulating these authorities to move as quickly and safely as possible towards an improved rating. It was acknowledged that the directorate would not be able to identify and implement all the appropriate solutions from within, and they would be actively seeking assistance from all available sources of support including the Department for Education (DfE), the Local Government Association (LGA) and the wider local government family.

Voice of Children and Families

The Committee sought assurance that the Executive would be demonstrating a renewed commitment to listening and taking into account the views of children, young people and families of Herefordshire in order to achieve the best possible outcomes, and to use feedback from these groups in order to support ongoing service improvement. The Committee felt that it would be a useful exercise to scrutinise the Council's Participation Strategy to enable them to hold the Executive accountable for ensuring that the Strategy was sufficiently resourced and able to achieve its aims.

The Director for Children and Young People advised that there were certain areas of customer service practice where there was a statutory requirement to monitor and provide reporting data within specified timescales, but there was a recognition of the need to improve the 'softer' side of data collection, reporting and evaluation, in particular analysing feedback from customers on the level and timeliness of service they have received, to ensure that customers were able to express if they feel they have at least been adequately acknowledged and listened to, even when they may not be able to agree with the decision(s) taken.

The Committee specifically enquired as to how the Executive will ensure that the perspectives of children, young people and families would be heard in the development and implementation of improvement measures, and what resource would be needed to facilitate this. The Director for Children and Young People acknowledged that the directorate's self-evaluation and the Ofsted report had evidenced that the Council were not currently doing this effectively and was an area where significant improvement was required. It was explained that one of the aims of the Participation Strategy was to increase engagement with families and parents, and examples were given of how this can be achieved, through strengthening the existing relationship with 'Parent Carer Voice' and the proposed establishment of a 'Listening to Families Forum' to provide a platform for all voices including those reluctant to engage publicly with the service.

Quality of Practice

The Committee noted that according to the Ofsted report the quality and impact of social work practice had significantly deteriorated since the last judgement in June 2018, and raised a question regarding the percentage of current frontline social workers who had received additional training to refresh and update their skills, how much of this training was online and/or self-assessed, and what changes or improvements were anticipated to improve the quality and responsiveness of services. Training data was not available to present to the meeting, but it was acknowledged that there was a current lack of a strong learning and development profile and the development of this was included in the improvement plan. The corporate rollout of 'My Conversation' as an appraisal model to accurately monitor learning and development needs was addressing this in part, alongside increased management oversight in children's services and an improved face to face training offer.

Management & Culture

The Committee noted that according to the Ofsted report there was evidence of weak guidance and a lack of management grip, as well as historical lack of stable and capable senior management, and requested examples of current actions to address this. The Director for Children and Young People advised that the current management team were highly visible in the Plough Lane offices and approachable to all staff, and there was a conscious movement to increase levels of professionalism and challenge inappropriate behaviour and language within children's services and across the Council as a whole. An offer was extended to elected members to speak to the children's services workforce and walk the office floor to satisfy themselves that this was the case, which was welcomed by the Committee.

It was confirmed that, at the request of the Commissioner, there was an independent organisation working with the authority who were currently involved with a number of engagement activities with the workforce, without management involvement, to explore workplace experiences and identify any barriers to progress and improvement, which would be feeding back to the Chief Executive and the Director for Children's Services. The HR and Organisational Development team had also recently overseen the delivery of a Council wide staff survey, the findings of which were due to be disseminated imminently.

A question was raised regarding whether a representative of families could be included in the membership of the Improvement Board, however it was unclear whether the governance arrangements for the Board could accommodate this.

Workforce

The Committee noted Ofsted's observation that issues within children's services were compounded by continuous staff turnover, that there remained insufficient capacity across the workforce to support a timely and appropriate response to children, and that heavy reliance on agency workers made the service unstable and fragile. In light of this, the Committee sought assurance that recruitment and retention issues were being urgently addressed, and requested details of how many staff were currently employed in the directorate on an interim basis, how many were currently on long-term sickness absence, and how these staff were being supported to return to work.

The Director for Children's Services confirmed that recruitment and retention of staff would be the single greatest enabling factor on the improvement journey, and initiatives were under discussion to incentivise potential applicants and accelerate the on-boarding process, however the picture remained challenging due to market competition and a national shortage of skilled social workers. It was estimated that approximately 50% of the established workforce were currently employed as interims, and whilst this had benefits in terms of attracting workers with considerable skills and expertise, it was acknowledged that this did leave the authority in a vulnerable position and affected the stability of relationships between social workers and families. It was confirmed that absence levels within children's services were not considered high given the known pressures of the work involved, and were not an outlier in comparison to absence levels across other Council directorates. Staff on sick leave have access to HR support services and where appropriate a phased return to the workplace was offered. In cases of staff underperformance, there were clear and fair processes to manage improvement. It was confirmed that all local authorities participate in a national annual survey of its workforce, and it was suggested that this may provide a useful benchmarking document for the Scrutiny Committee to see how Herefordshire's workforce profile compares with other local authorities in relation to staff churn and the proportions of permanent and interim staff working in social care.

Reflecting upon the debate, the Chief Executive thanked members for their contributions and questions, and reiterated that a 'whole Council' response would be required to deliver the required improvements. It was suggested that the Scrutiny Committee may wish, in light of the debate and Ofsted's findings, to reviews its work plan to ensure that it refocuses its available resource on where it can deliver the greatest impact.

The Chairperson summarised the overall key conclusions of the Committee, which principally included:

- The need to deliver improvement at pace;
- Recognition that the Children's Commissioner's key role was to assess whether the authority had the capacity to successfully deliver the action plan, rather than assessing immediate improvements;
- The importance of ensuring a stronger voice for children and young people, and providing an appropriate forum for families as a whole;
- The importance of continued effective and timely engagement with partner organisations.

The Vice-Chairperson requested that future training sessions delivered to the Committee should be recorded for the consumption of all members, and encouraged members of the Committee to strongly consider the offer made by the Director for Children and Young People to speak to staff in the workplace and understand their current experiences.

It was resolved that:

- (i) The Ofsted inspection report be noted; and**
- (ii) The Committee Work Plan be reviewed at the next meeting to ensure that the work of the Committee is focused on the main areas for improvement in children's services as evidenced by the Ofsted report and the renewed improvement plan.**

And that the following information requests be made:

- (a) A copy of the Children and Young People directorate Risk Register;**
- (b) Clarification from the Monitoring Officer regarding what access social workers have to expert legal advice to embed quality in social work practice; and**
- (c) A workforce profile for Herefordshire to benchmark against other local authorities the level of staff churn and the proportion of permanent and interim staff working in social care.**

112. PROGRESS REPORT

The Committee received the report as set out on pages 37-64 of the agenda, which provided a brief summary update on issues previously considered.

It was resolved that:

- (i) The progress report on scrutiny information requests, scrutiny reports and recommendations and other matters raised by the committee be noted; and**
- (ii) Those information requests where a response has been received be agreed as completed, and any other outstanding items be requested for the next meeting.**

113. DATE OF THE NEXT MEETING

13, December. Plough Lane. 2.00pm

The meeting ended at 5.40 pm

Chairperson



RESPONSE TO SUPPLEMENTARY PUBLIC QUESTIONS TO CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE 11 OCTOBER 2022 (Minute Item 109).

From: F Reid, Hereford
To: Chairperson of Children and Young People Scrutiny Committee

Please advise for 2021-22 under the auspices of Herefordshire Council:

- The number of new-born babies that were taken into care?
- The number of placement orders (court order that a child should be put up for adoption)?
- The rate of placement orders per 10,000 children?

Please advise the above for 2021-22 and 2020-21:

- “Statistical Neighbours” (average)
- All ten (10) “Statistical Neighbours” e.g. Cornwall, Devon
- West Midlands
- England

Response:

The number of new-born babies that were taken into care?

- 19 children taken into care within 10 days of date of birth
- 24 children under 1 year old taken into care
- The number of placement orders (court order that a child should be put up for adoption)?
 - 10 placement orders in the year
- The rate of placement orders per 10,000 children?
 - Rate = 2.78

Please advise the above for 2021-22 and 2020-21:

- “Statistical Neighbours” (average)
- All ten (10) “Statistical Neighbours” eg Cornwall, Devon
- West Midlands
- England.

LA	(Age 0-17) Population Mid Year Estimates - 2020	2020-21		2021-22		2020-21		2021-22 * **	
		Number of PO Granted	Rate	Number of PO Granted	Rate	Number of Children Under 1 Taken into Care	Rate	Number of Children Under 1 Taken into Care	Rate
Herefordshire	36029			10	2.8			24	6.7
England	12093288	2910	2.4	2860	2.4	5610	4.6		
West Midlands	1306330	390	3.0	450	3.4	720	5.5		
Stat Neighbours Average	114957	32.1	2.8	29.9	2.6	52	4.5		
Shropshire	60293	15	2.5	21	3.5	39	6.5		
Devon	148076	45	3.0	51	3.4	77	5.2		
Cornwall	108954	31	2.8	16	1.5	48	4.4		
Somerset	111293	38	3.4	33	3.0	44	4.0		
Dorest	67698	24	3.5	11	1.6	25	3.7		
Wiltshire	106274	16	1.5	8	0.8	30	2.8		
Suffolk	152863	38	2.5	38	2.5	76	5.0		
Norfolk	172182	36	2.1	44	2.6	66	3.8		
Gloucestershire	129562	29	2.2	39	3.0	63	4.9		
Cumbria	92373	49	5.3	38	4.1	52	5.6		

[Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)
[Coram-i - Local Level ASGLB Data Q4 2020/21](#)
[Children looked after in England including adoptions, Reporting Year 2021 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

* 2021-2022 comparator data not yet published

** Comparator data not available for children taken into care within 10 days of date of birth.

Supplementary question for the Children and Young People Scrutiny Committee meeting on 11/10/2022 From: F Reid, Hereford

Were 43 babies taken into care during 2021-22 ie 19 + 24?

Please insert data for Herefordshire in the table about POs and babies taken into care.

I am interested the rates of babies taken into care within weeks of birth and/or mothers leaving hospital without their newborns, provide for 2020-21:

- Numbers and rates for Herefordshire
- Any metric(s) that compares Herefordshire with the other areas (in the table) with source(s)

In view of the comparatively high PO rate (and for children in care and care proceedings) in Herefordshire, how and by when will support and reunification be improved to reduce:

- Care proceedings
- Babies and children in care
- Placement orders?
- How much did Herefordshire Council receive in 2020-21 and 2021-22 for children who were adopted subsequent to the council obtaining a PO?

Response

Care Orders 2020/21

During 2020/2021, 13 children under the age of one were taken into our care. This equates to a rate (per 10,000) of 3.6. This was lower when compared with the rate (per 10,000 children) for England (4.6) and the West Midlands (5.5). The rate (per 10,000 children) of children under the age of 1 taken into care for our statistical neighbours for 2020/21 ranged from 2.8 (Wiltshire) to 6.5 (Shropshire). The average rate of children under the age of 1 for our statistical neighbours for 2021/2022 was 4.5.

Of the 13 children under the age of 1 taken into care during 2020/21 by Herefordshire, 10 were taken into care within 21 days of birth. Comparative data for England, the West Midlands or our statistical neighbours in respect of this is neither published, nor available to us.

Care Orders 2021/22

During 2021/2022, 24 children under the age of one were taken into our care. This equates to a rate (per 10,000 children) of 6.7.

Comparative data for England, West Midlands and Statistical Neighbours is not yet publically available for the year 2021/22. Data in respect of this will be published by the [Government](#) and [Coram I](#); the links will take you to the information in respect of 2020/21. Please refer to the respective organisations for publication dates of the 2021/2022 data.

Of the 24 children taken into care under the age of 1 in 2021/22, 9 were taken into care within 21 days of birth. Comparative data for England, the West Midlands or our statistical neighbours in respect of this is neither published, nor available to us.

Placement Orders

A Placement Order was granted for 10 children during 2020/2021. This equates to a rate (per 10,000 children) of 3.9. This was higher than the rate (per 10,000 children) for England (2.4) or for the West Midlands (3.0). The rate (per 10,000 children) of Placement Orders granted for our statistical neighbours for that year ranged from 1.5 for Wiltshire to 5.3 for Cumbria. The average rate of Placement Orders for our statistical neighbours for 2021/2022 was 2.8.

The rate of Placement Orders granted fluctuates from year by year. To illustrate. For the following year - 2021/2022, the rate of Placement Orders granted for Herefordshire was 2.8 (per 10,000 children). Whilst this is higher than the rate of Placement Orders for England (2.4) it was lower than the rate for the West Midlands (3.4) and broadly in line with our statistical neighbours (2.6).

Permanency Planning / Funding

For each individual child we will seek to ensure that the permanency plan is the most appropriate and proportionate. It would not be appropriate to set targets as each case will have to be considered with the child at the centre of the decision making. Due to this individual approach is not possible to specify how and by when support will be provided or when rehabilitation is considered as you requested.

We do not receive payment for children who are adopted. Previously, Local Authorities could receive an Inter-Agency Adoption Fee when adopters were recruited and supported by one Local Authority but where a child from another Local Authority was placed. Since the introduction of Regional Adoption Agencies the Inter-Agency Adoption Fees (if applicable) are payable to the Regional Adoption Agency rather than the Local Authority. For more information in respect of Inter Agency Adoption Fees please refer to the relevant page on the CoramBAAF website linked [here](#).

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		Number of PO Granted	Rate	Number of PO Granted	Rate	Number of Children Under 1 Taken into Care	Rate	Number of Children Under 1 Taken into Care	Rate	Number of Children taken into care within 21 days (3 weeks of birth)	Rate
Hereford	36029	14	3.9	10	2.8	13	3.6	24	6.7	10	2.8
England	12093288	2910	2.4	2860	2.4	5610	4.6	Data not published		Benchmarking not available	
West Midlands	1306330	390	3.0	450	3.4	720	5.5	Data not published		Benchmarking not available	
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Devon	148076	45	3.0	51	3.4	77	5.2	Data not published		Benchmarking not available	
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