



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE - 1
SEPTEMBER 2014

CHILDRENS' SOCIAL CARE PANEL

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of Report

1. The purpose of this report is to provide a narrative commentary to accompany the structure chart for the new children's social care governance arrangements.

Policy Framework and Previous Decisions

2. Member scrutiny and oversight of children's social care services has been a fundamental feature of committee and panel structures throughout the life of the County Council. However, in recent times members have expressed a wish to revise these arrangements to ensure that the scope of the children's social care service can be considered and that there is clarity of accountability.

Background

3. The Member Panel on Safeguarding and Serious Case Reviews requested officers to carry out a stock take of bodies in children's welfare and child protection issues at its meeting on 16 October 2013. A copy of this stock take is attached as Appendix A to this report. Around the same time, Ofsted issued a new inspection framework which highlighted the need for a rethink of current arrangements.

Proposals/Options

Ofsted Requirements

4. With effect from November 2013 Ofsted introduced a new framework for inspecting services for children. The focus of the new inspection regime is on the 'effectiveness of local authority services and arrangements to help and protect children, the experiences and progress of children looked after, including adoption, fostering, the use of residential care, and children who return home'.
5. Under the new framework the judgement of the overall effectiveness of the local authority will be made having regard to the following:
 - Experiences and progress of children who need help and protection;
 - Experiences and progress of children looked after and achieving.

6. Permanence which will include graded judgements on:
 - Adoption performance;
 - Experience and progress of care leavers;
 - Leadership, Management and Governance.
7. The new framework highlights the key role of leadership, management and governance in ensuring good quality services for children and young people. Set out below are key extracts from the framework document:-
8. 'Leadership, management and governance arrangements comply with statutory guidance and together establish an effective strategy and good-quality services for children, young people and their families. The Director of Children's Services (DCS), the lead elected member and the senior management team have a comprehensive knowledge about what is happening at the 'front line' to enable them to discharge their responsibilities effectively.'
9. 'Leadership, management and governance are likely to be judged good if local authority senior managers, leaders and elected members discharge their individual and collective statutory responsibilities. There are clear lines of accountability and governance with a clear distinction between political, strategic and operational roles. Leaders, including elected members and managers, have a comprehensive and current knowledge of what is happening at the 'front line' and how well children and young people are helped, cared for and protected'.
10. Leadership, management and governance are likely to be outstanding if, in addition to meeting the requirements of a 'good' judgement, there is evidence that leaders (both professional and political) and managers are inspirational, confident, ambitious and influential in changing the lives of local children, young people and families, including children who are looked after and those who have left or who are leaving care. They innovate and generate creative ideas to sustain the highest-quality services, including early help services, for all children and young people. They know their strengths and weaknesses well and can provide evidence of improvement over a sustained period of time. Professional relationships between the local authority and partner organisations are mature and well developed.
11. Accountabilities are embedded and result in confident, regular evaluation and improvement of the quality of help, care and protection that is provided.

New Structure

12. The new structure, as illustrated in Appendix B to this report, will absorb the work of the following Panels:
 - Community Homes Monitoring Panel;
 - Safeguarding and Serious Case Review Panel.

These Panels will cease to operate once the new structure is in place.

Operational Bodies

13. The new structure is divided into operational and strategic bodies. The following operational bodies will continue to exist in their current form:
 - Fostering Panel;
 - Adoption Panel;
 - Secure Accommodation Review Panel.
14. Each of these bodies has a specific remit which does not extend beyond considering individual cases. A criticism of the current arrangements for member involvement in child protection and child welfare issues is that there is no forum for strategic or policy issues arising from the work of these Panels to be considered. The new Children in Care Panel will enable members to consider standards for the Fostering and Adoption Service and policy issues relating to the Secure Accommodation Review Panel.

Strategic Bodies

15. The new structure creates three member Panels focused on considering children's social care issues. The overarching Panel is the Children's Social Care Panel, which will be made up of the following elected members:
 - Cabinet Lead Member for Children and Families;
 - Cabinet Support Member for Children and Families;
 - Chairman and Spokesmen of the Children and Families Overview and Scrutiny Committee.
16. Its role will be to have strategic oversight of all children's social care issues, having particular regard to the following areas:
 - (i) Children in Care;
 - (ii) Child Protection;
 - (iii) Partnership Working.

(Detailed terms of reference are attached as Appendix C to this report)

17. The Panel will form part of the 'other regulatory business pool'. This means it is neither an Executive nor a Scrutiny Panel but that both Executive and Scrutiny members can serve on it. It is not a formal committee of the County Council so it is able to meet in private. Membership will be determined through the same process as membership of other regulatory panels, i.e. by the Chief Executive following consultation with the political groups. The Panel will be listed in Part 3 (Responsibility for Functions) Section E (Panels) of the Constitution.

18. The Children's Social Care Panel will have two sub-Panels, each focused on a specific area. The first is Children in Care. Its purpose will be to provide assurance at elected member level that the County Council is discharging its duties in relation to children in care, having particular regard to the following:
 - (i) Corporate Parenting;
 - (ii) Education of Children in Care;
 - (iii) Consideration of children and young people causing the most concern, such as those in Secure Accommodation;
 - (iv) Standards in Fostering, Adoption and Community Homes provided by or commissioned by the County Council.
19. For clarification, this Panel will absorb the work currently undertaken by the Community Homes Monitoring Panel, including visiting children's community homes. Detailed terms of reference are attached as Appendix D to this report.
20. Membership has not yet been determined. However, it is proposed that the Panel consists of five members with the political balance 3 Con: 1 Lab: 1 Lib. At least two of the members should also serve on the Children's Social Care Panel.
21. The status of this Panel will be the same as that of the Children's Social Care Panel, as described in paragraph 11 above.
22. The other sub Panel is the Child Protection Panel. Its purpose will be to provide assurance at elected member level that the County Council is discharging its duties in relation to child protection, having particular regard to the following:
 - (i) That the response is proportionate;
 - (ii) That the emergency response is appropriate and effective;
 - (iii) The long term maintenance of child safety;
 - (iv) That lessons are learnt from local and national sources.
23. For clarification, this Panel will absorb the work of the Member Panel on Safeguarding and Serious Case Reviews, including receiving advice at an early stage on cases of a sensitive or high profile nature which are likely to be the subject of Serious Case Reviews or attract adverse criticism. Terms of Reference are attached as Appendix E.
24. Membership has not yet determined. However, it is proposed that the Panel consists of five members with the political balance 3 Con: 1 Lab: 1 Lib. At least two of the member should also serve on the Children's Social Care Panel.
25. The status of this Panel will be the same as that of the Children's Social Care Panel, as described in paragraph 11 above.

Relationships with other bodies

26. The top level of the Structure Chart is intended to illustrate the relationship between the three Panels and other relevant bodies and individuals.

Health and Wellbeing Board

27. The Health and Wellbeing Board is responsible for producing and delivering a Joint Health and Wellbeing Strategy for the population of Leicestershire. One of the strands in the strategy is to give children the best possible start in life. It therefore follows that any issues relating to the health and wellbeing of children are within the remit of the Health and Wellbeing Board. Any relevant issues or concerns identified by the Children's Social Care Panel could therefore be referred to the Health and Wellbeing Board and vice versa.

Children and Families Partnership Bodies

28. Any issues identified by the Children's Social Care Panel which would best be addressed through a partnership approach can be referred to the Children and Families Partnership bodies and vice versa.

Local Safeguarding Children Board

29. The Leicestershire and Rutland Local Safeguarding Children Board has a statutory responsibility to ensure that key organisations co-operate with one another to safeguard and promote the welfare of children and to ensure that these collective services are effective. Any relevant issues or concerns identified by the Children's Social Care Panel could therefore be referred to the Local Safeguarding Children Board and vice versa.

Overview and Scrutiny

30. The role of the Children and Families Overview and Scrutiny Committee is as follows:
- (i) The executive functions of the County Council in respect of Children and Young People's Service;
 - (ii) The executive functions of the County Council in relation to the Supporting Leicestershire Families Programme;
 - (iii) To monitor the performance and activities of the Leicestershire Children and Young People's Commissioning Board, the Supporting Leicestershire Families Board and any other partnerships that are associated with the executive functions outlined in 1 and 2 above.
31. To enable the Scrutiny Committee to discharge this role successfully, the Children's Social Care Panel will submit regular reports to the Children and Families Overview and Scrutiny Committee on its work. This will provide members with confidence that children's social care issues are subject to

proper scrutiny. Additionally, any matters of concern or matters which raise policy issues can be referred by the Children's Social Care Panel to Children and Families Overview and Scrutiny Committee for consideration. It is expected that this relationship will be reciprocal.

32. The Children's Social Care Panel and sub Panels will not duplicate the role of the Children and Families Overview and Scrutiny Committee; it is merely intended to ensure strategic oversight of children's social care issues at elected member level. The Children and Families Overview and Scrutiny Committee will continue to receive reports on the following children's social care issues:

- Fostering and Adoption Annual Report;
- Annual Report of the Independent Reviewing Officers;
- Leicestershire and Rutland Local Safeguarding Children Board: Annual Report.

The Cabinet

33. It is unlikely that the Children's Social Care Panel will have a direct relationship with the Cabinet. However, the Cabinet Lead Member for Children and Families will be a member of the Panel and through this mechanism a 'line of sight' between the Panel and the Cabinet will be established. In addition, for areas where the Cabinet Lead Member has a statutory responsibility, other members of the Panel will be able to hold him directly to account.

Director of Children and Family Services

34. The terms of reference for the Children's Social Care Panel specifically include holding the Director of Children and Family Services to account for delivery of her statutory duties in relation to children in care and child protection.

Leader and Chief Executive

35. The relationship between the Children's Social Care Panel and Leader and Chief Executive will be discharged through the Director of Children and Family Services and the Cabinet Lead Member for Children and Family Services

Consultations

36. The development of this approach has benefitted from consultation with the Lead Member for Children and Family Services, members of the existing Safeguarding and Serious Case Review Panel, officers in Democratic Services and County Solicitors Office and within Children and Family Services.

Resource Implications

37. Existing resources will be used to support the Children's Social Care Panel.

Background Papers

None.

Circulation under the Local Issues Alert Procedure

38. None.

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List of Appendices

- Appendix A: Mapping of bodies appointed to consider child welfare and child protection issues
- Appendix B: New structure
- Appendix C: Children's Social Care Panel Terms of Reference
- Appendix D: Children in Care Panel Terms of Reference
- Appendix E: Child Protection Panel Terms of Reference

Equality and Human Rights Implications

39. These panels shall consider those children, young people and their families who are most likely to be disadvantaged. Therefore equality of opportunity for those groups will be at the heart of their work.

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