1. Summary

1.1 This report provides a response to the recommendations from the Children and Young People Select Committee, following an in-depth review, resulting in the report “Falling Through the Gaps” at their meeting on 30th January 2013.

2. Background

2.1 At the meetings of the Children and Young People Select Committee on the 6th March and 17th May 2012, the Committee discussed undertaking an in-depth review looking at the issue of children who may be unknown to the local authority and others and therefore, potentially, at risk and decided as part of its work programme to undertake an in-depth review.

2.2 The Committee concluded its review and agreed its recommendations on 30th January 2013. This report provides a response to each of these recommendations.

3. Policy context

3.1 The Children and Young People’s Plan 2012-2015 (CYPP) outlines the vision across Lewisham’s Children and Young People’s Strategic Partnership for improving outcomes for all children. In developing our fourth CYPP, across the partnership we have looked at innovative ways of working together and sharing good practice, to ensure we make every penny of public money work as hard as it can with a continued focus on improving outcomes. One of the approaches we are taking is to ensure that we are better at targeting support to the children, young people, and families who need it most. Ensuring that children, young people and their families receive the intervention they need, early, is crucial in preventing their needs escalating and needing more specialist services.

3.2 The recommendations from the Falling Through the Gaps review cover several policies and approaches of the Children and Young People’s Directorate and its partners, including: the Out of School Policy; the Fair Access Policy; the Managed Moves Policy; and the Elective Homes Education Policy.
3.3 The local authority has a duty to provide a school place for each child living in the borough who needs one. Parents have a duty to ensure that their child receives suitable education, and the policy for monitoring Elective Home Education includes establishing the suitability of such arrangements. Under Section 19 of the 1996 education act, as amended by the Children, Schools and Families Act 2010, there is a duty on authorities to provide full time education for pupils who are not in school, unless there are medical reasons why this would not be appropriate.

4. **CYP Committee Views**

4.1 This timely review is welcomed by officers in the Children and Young People's Directorate and professionals across the Children and Young People's Strategic Partnership. The report provides an in depth analysis of the risks to some of our most vulnerable children and young people and the services available and accessible to them. The report has provided valuable recommendations which officers have considered fully and responded to.

4.2 The Children and Young People Select Committee made the following comments and recommendations:

4.2.1 Ensure that arrangements are in place so that when a child with potential difficulties who was previously unknown to authorities is identified, services can be made aware of their existence. This could be of particular use for newly arrived children in the country.

**Response**

This important recommendation is welcomed, and the Children and Young People's Strategic Partnership strives to ensure that effective multi-agency mechanisms, including our Common Assessment Framework and Team Around the Child/Family approach are embedded, to ensure all partners work together to meet the needs of our children, young people and families. The Common Assessment Framework (CAF) form is the multi-agency assessment form for all agencies working with children and young people in the Borough. For all children, including newly arrived children, who were previously unknown to authorities and who have potential difficulties, a CAF form should be completed by the identifying agency and a Team Around the Child or Family (TAC or TAF) arranged. The Family Support Service can provide support to professionals with the CAF.

Newly arrived children with poor networks are a key target group for the partnership. We will continue to ensure that procedures are well known by those most likely to first encounter such children, such as schools and GPs, and ensure they know their responsibilities to let others know about these newly arrived families.
4.2.2 Consideration should be given to how the borough’s single point of contact for safeguarding concerns can be more widely known, emphasising the wider message that ‘It’s Everybody’s Business’ to take responsibility and look out for vulnerable children in Lewisham.

Response
Safeguarding and the protection of children is a priority for the Council and its partners. The Council is the lead agency and all organisations and staff who work with children have a responsibility to ensure the protection of all children in the borough. Lewisham’s approach to safeguarding, including our early intervention approach, and how families can access necessary and additional services where required have been promoted across the partnership through a series of early intervention and strengthening family support briefings delivered to all partners, attended by over 300 front-line and managerial staff across the partnership. This is continually reinforced through existing partnership forums.

If there are child protection concerns, the case should be referred to Children’s Social Care. Referrals to CSC should evidence that a CAF has been completed, a TAC/TAF has been established and a lead professional identified (except in a child protection case or emergency where immediate action is necessary to protect a child, when Children’s Social Care duty team can be contacted on 0208 314 6660). This single point of contact for safeguarding concerns is promoted across the Children and Young People’s Strategic Partnership, and is published on the relevant pages of Lewisham’s website.

4.2.2 MPs and Councillors, who may deal with newly arrived or unidentified children in their casework, should be regularly reminded of the clear point of contact and encouraged to refer to it.

Response
This is a welcome recommendation. Newly arrived children, or unidentified children do not automatically require safeguarding interventions and the single point of contact for safeguarding concerns may not be the most appropriate referral route. If MPs and Councillors have any concerns relating to newly arrived or unidentified children, they are able to contact any of our Children’s Centres for advice and information. Where there are immediate safeguarding concerns, Children’s Social Care duty team can be contacted on 0208 314 6660, as above. We will ensure that briefings for MPs and Councillors routinely include the relevant contact details.

4.2.3 Lewisham Safeguarding Children Board should continue to regularly scrutinise data about children who are missing from education and ensure that all agencies are aware of which groups of children are locally most at risk of missing education, in order to ensure that they are given the appropriate attention.
Response
This is accepted and will continue.

4.2.4 Councillors’ safeguarding responsibilities should be routinely highlighted to them through the member development programme.

Response
Safeguarding responsibilities are covered as part of the members’ induction programme. Members of the Corporate Parenting Group are regularly updated as is the CYP Select Committee, as part of its work programme. Training will be provided to all members, especially new members, after the next election on safeguarding and their role in corporate parenting. We will ensure that briefings for MPs and Councillors will be circulated as and when there are significant strategic, operational, or legislative changes and will include all relevant contact details.

4.2.5 Schools should be reminded of the need to ensure that the use of relevant categories for recording absences should be regularly audited in detail and the Attendance and Welfare Service should continue to challenge schools on their use in order to identify instances of poor attendance.

Response
Schools are regularly reminded of the need to code absence appropriately, and the Attendance and Welfare service repeatedly audits schools’ recordings. The Attendance and Welfare service will continue to support and challenge schools to ensure that correct procedures are followed and that poor attendance is identified and acted upon. Attendance and Welfare scrutinise coding through their regular register checks and analysis of data, but also through targeted attendance reviews, carried out where there are concerns about a specific school’s attendance. The service uses a range of strategies to support schools in improving attendance, including appropriate targeting, training and prosecution.

4.2.6 School Governors should be supported, where needed, with training and awareness on tracking and identifying poor attendance, particularly in relation to poor attendance as an indicator of broader problems that a child may be facing.

Response
Schools in Lewisham are able to purchase support, including varied training opportunities for governors, from the LA Governors’ service through service level agreements. This support also includes a termly Governors’ information pack that highlights key policies, research and legislation both nationally and locally that are relevant to governing bodies. An article from the Attendance and Welfare Service is to be published in the Autumn 2013/14 pack, with a training session planned for the 2103/14 academic year. We will monitor attendance at that
training session and ensure that those schools which do not attend have had alternative briefings.

4.2.7 The local authority should ensure that schools operate close monitoring of attendance when a pupil has been formally excluded or around a managed move, to ensure that an unofficial exclusion is not taking place.

Response
The local authority has a managed moves protocol, and all such moves are monitored by the Attendance and Welfare service to ensure that schools are adhering to the protocol. Schools should ensure that reintegration meetings of excluded pupils take place promptly and should not delay a pupil’s re-entry because it has not been possible to arrange such a meeting beforehand. If a pupil’s managed move to another school breaks down before they have been taken on roll there, the pupil should return promptly to their original school, where they should be on roll. That school would resume responsibility for their education. If any illegal exclusion is suspected, this is urgently followed up by the local authority at senior levels.

4.2.8 Parents should be able to access accurate information to support them in dealing with exclusions, both official and unofficial.

Response
Parents are able to access information to support them in dealing with exclusions, both official and unofficial, on the London Borough of Lewisham website. This information is accurate and up to date as at April 2013. Government advice is also available on the Department for Education website. We will also ensure that the next Governors’ briefing recommends that schools have this information on their own websites.

4.2.9 Lewisham should encourage networking between parents and children in elective home education to provide more accessible opportunities for informal contact between those families and officers.

Response
Lewisham recognises that parents have the right, under the Education Act 1996 to choose to educate their children otherwise than at school. Parents of children in school should write to the Headteacher if they wish to deregister for Elective Home Education (EHE), and are required to inform the LA in writing if this is their intention.

Lewisham has a responsibility to ensure that children who are being educated outside of school are being provided with a suitable education and monitors this through annual reviews in partnership with parents/carers. Through these meetings, and other communication with parents/carers who choose EHE, Lewisham informs and encourages
parents and carers to take up support services, including networking opportunities.

Officers will continue to explore opportunities for informal contact between families and officers such as offering GCSE and exam advice sessions, informal surgeries, themed coffee mornings and facilitation of a parent/carer support groups as well as utilising our Children's Centres and Youth Support Services.

4.2.10 The local authority should take into account differences in language and communication among groups identified in the review, for example the oral culture of Travellers or language barriers for children who are newly arrived in the country, and consider appropriate approaches when dealing with these groups to ensure that children are known to local organisations.

Response
It is an expectation of all staff and providers that appropriate, clear and timely communications are employed with children, young people and families. For example, services ensure that translation is available where required and that all information can be made available in alternative languages, that methods such as 'picture boards' are used for children, young people and their families where communication might be more difficult, and that cultural communication needs, such as the oral culture of the Travelling community, are anticipated and met.

4.2.11 A further recommendation is that the Committee undertakes a review looking at issues affecting young carers.

Response
This is on the Children and Young People Select Committee agenda for 15th May 2013.

5. Financial Implications

5.1 There are no financial implications arising out of this report.

6. Legal Implications

6.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

6.2 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

6.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/

6.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.6 The essential guide provides an overview of the equality duty requirements Including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/
Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of any decision-making processes. The Act sets out that public bodies must have due regard to the need to:
• eliminate unlawful discrimination, harassment and victimisation;
• advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and
• foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

6.7 The following equalities characteristics are ‘protected’ from unlawful discrimination in service provision under the Equality Act 2010: age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; gender; and sexual orientation.

7. Equalities Implications

7.1 In addition to its statutory obligations under the Equality Act 2010, the Council has set its own equality objectives that underpin the Comprehensive Equalities Scheme (2012-2016). These five equality objectives are as follows: 1. Tackle victimisation, harassment and discrimination; 2. To improve access to services; 3. To close the gap in outcomes for citizens; 4. To increase understanding and mutual respect between communities; and 5. To increase participation and engagement.

7.2 The work of the Children and Young People’s Strategic Partnership is delivered within the context of our Children and Young People’s Plan 2012-2015. This plan aims to improve the lives and life chances of every Lewisham child, and inherently seeks to reduce inequalities in all that we do.

8. Environmental Implications

8.1 There are no direct environmental implications arising out of this report.

9. Crime and disorder implications

9.1 There are no direct crime and disorder implications arising from this report.

BACKGROUND PAPERS