

Children and Young People Select Committee			
Report Title	Progress on recommendations made in the 'Falling Through the Gaps' report		
Key Decision	No	Item No.	5
Ward	All		
Contributors	Children and Young People Select Committee Frankie Sulke, Executive Director Children and Young People		
Class	Part 1	Date	4 th March 2014

1. Summary

- 1.1 This report provides an update on the progress on recommendations made in the "Falling through the Gaps" report by the Children and Young People Select Committee to the Mayor and Cabinet on 30 January 2013.

2. Recommendation

- 2.1 The Committee is recommended to note the action taken in each area.

3. Background

- 3.1 Children and Young People Select Committee carried out an in-depth review of the area of children and young people who may be unknown to the local authority and others, and who were therefore potentially at risk. This culminated in its report produced on 30th January 2013. The response from Mayor and Cabinet was considered at the meeting of 2 July 2013.

4. Policy context

- 4.1 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.
- 4.2 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 Home Education Policy.

- 4.3 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.

5. Recommendations made by Select Committee

- 5.1 The review was welcomed by officers in the Children and Young People's Directorate and professionals across the Children and Young People's Strategic Partnership. Select Committee made the following recommendations.
- 5.1.1 **Recommendation 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.
- 5.1.2 **Recommendation 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.
- 5.1.3 **Recommendation 3:** 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.
- 5.1.4 **Recommendation 4:** Lewisham Safeguarding Children Board should continue to scrutinise data regularly 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
- 5.1.5 **Recommendation 5:** Councillors' safeguarding responsibilities should be routinely highlighted to them through the member development programme.
- 5.1.6 **Recommendation 6:** 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.
- 5.1.7 **Recommendation 7:** 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.

- 5.1.8 **Recommendation 8:** 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.
- 5.1.9 **Recommendation 9:** Parents should be able to access accurate information to support them in dealing with exclusions, both official and unofficial.
- 5.1.10 **Recommendation 10:** 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.
- 5.1.11 **Recommendation 11:** 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.
- 5.1.12 **Recommendation 12:** A further recommendation is that the Committee undertakes a review looking at issues affecting young carers.

6. Action following from the recommendations

- 6.1 We have re-briefed partners, including schools, GPs, Health Visitors and Children's Centres to ensure they are aware of the need to identify vulnerabilities at an early stage for children previously not known to services. The Family Support Team has an ongoing process of auditing CAFs to identify any potential gaps, and provides support and training to a range of providers, to ensure that there is appropriate join-up. The common understanding is underpinned by regular partnership forums convened by the Early Intervention Service.
- 6.2 A reminder has been sent to all staff in the partnership about the single point of contact for safeguarding issues. Following the publication of 'Working Together to Safeguard Children' in 2013, the Lewisham Safeguarding Children Board undertook an exercise to ensure there is a clear understanding across the partnership, including when it is appropriate to refer to Children's Social Care, and this work is ongoing. A further report will go to the LSCB in March 2014.
- 6.3 A briefing was produced for MPs and Councillors, providing the key contact details for safeguarding concerns, and contact details for Children's Centres, should MPs and Councillors come into contact with families who require support services. This was circulated after CYP Select Committee and will be re-circulated in the future as necessary.

- 6.4 The LSCB continues to scrutinise data to ensure appropriate safeguarding arrangements, and this now includes data on children missing from education. Children missing from education will in future also be part of the LSCB business plan, with an annual report to the Board, to monitor and challenge progress. The first report is due to be presented in March 2014.
- 6.5 Training for members has been scheduled for June 2014 on safeguarding and their role in corporate parenting. Briefings will be provided to all MPs and Councillors as and when there are significant strategic, operational or legislative changes. A video of the last training is also available via Sharepoint.
- 6.6 The Attendance and Welfare Service continues to work closely with schools through register checks and attendance review meetings. This includes addressing incorrect coding of absence and supporting schools with strategies and good practice to improve attendance. From September 2014, the restructured service will continue to prioritise these issues through register checks and support and challenge to schools. They will have a remit particularly to monitor the attendance of vulnerable groups such as those with Child Protection Plans, those known to MARAC and those with Complex Needs.
- 6.7 Schools have the main responsibility for their attendance. The LA Governors' service continues to support school governors with a range of issues, including poor attendance. Key information is contained in the termly information pack. An article from the Attendance and Welfare Service will appear in the summer term 2014 briefing and further training will also be made available, particularly in relation to how the restructured service will operate.
- 6.8 The Attendance and Welfare Service continues to scrutinise school rolls through its regular register checks, and this is designed to identify possible unofficial exclusions and any other issues. Vulnerable Pupils meetings now take place weekly, between the School Improvement Team and the Early Intervention and Access Service to consider instances where pupils are missing education, and to make plans for their urgent reintegration. Cases are escalated to senior managers as appropriate, and schools are challenged where necessary.
- 6.9 Parents are able to access information on the Lewisham website to support them in dealing with exclusions, both official and unofficial. The summer term briefing for school governors will recommend that this information is carried on school websites. Advice continues to be available for parents from the Attendance and Welfare Service.
- 6.10 Lewisham continues to monitor the education being provided for children who are being educated other than at school, and seeks to build constructive relationships with parents. A successful initial network meeting was held recently with parents who are educating their children otherwise and further such meetings are planned.

- 6.11 It is an expectation of all staff and providers that appropriate, clear and timely communications are employed with children, young people and families. Where communication might be more difficult, alternative methods such as picture boards may be used. Cultural communication needs, such as the oral culture of the Travelling community, are anticipated and met.
- 6.12 The needs of and services for Young Carers were further considered in detail by the Committee on 15 May 2013.

7. Financial Implications

- 7.1 There are no financial implications arising out of this report.

8. Legal Implications

- 8.1 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).
- 8.2 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.
- 8.3 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.
- 8.4 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/>

- 8.5 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
- 8.6 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.

- 8.7 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.

9. Equalities Implications

- 9.1 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.
- 9.2 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.

10. Environmental Implications

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

11. Crime and disorder implications

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

BACKGROUND PAPERS

<http://councilmeetings.lewisham.gov.uk/documents/s20335/FallingThroughTheGaps%20Final%20Report.pdf>