

CHILDREN AND YOUNG PEOPLE'S SELECT COMMITTEE			
<b>Report Title</b>	Children's Social Care Improvement Update		
<b>Key Decision</b>	No	Item No.	7
<b>Ward</b>	All		
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<b>Class</b>		Date:	6 <sup>th</sup> December 2018

## 1. Summary

- 1.1 This report updates the Select Committee on the improvement programme for Children's Social Care.

## 2. Purpose

- 2.1 This report links with reporting to Public Accounts Committee on the Children's Social Care budget and also reflects preparation for Ofsted inspection, as well as being part of the Council's overall work to improve and transform services, including children's social care in the interests of children and young people in Lewisham and their families. A detailed Children's Social Care Improvement Plan is in place and Summary version of that document is attached as an Appendix to this report.

## 3. Recommendation/s

- 3.1 The Select Committee is recommended to comment on and note the report.

## 4. Policy Context

- 4.1 Children's Social Care continues to contribute to five of the key priority outcomes of Lewisham's Sustainable Community Strategy 2008-2020:
- **Ambitious and achieving** – where people are inspired and supported to fulfil their potential.
  - **Safer** – where people feel safe and live free from crime, antisocial behaviour and abuse.
  - **Empowered and responsible** – where people are actively involved in their local area and contribute to supportive communities.
  - **Healthy, active and enjoyable** – where people can actively participate in maintaining and improving their health and well-being.

- **Dynamic and prosperous** – where people are part of vibrant communities and town centres, well connected to London and beyond.

4.2 Children's Social Care contributes to the Children and Young People's Plan 2016-2018 and its 5 priorities: Be healthy, Stay Safe, Enjoy and Achieve, Make a positive contribution and Achieve economic wellbeing.

## 5. **Background - The functions and activities of Children's Social Care**

### Statutory basis

5.1 Children's Social Care operates under a set of legislation and statutory guidance, the main pillars of which are:

- The Children Act 1989 and subsequent legislation which imposes a statutory duty on local authorities to safeguard children in their area, promote their well being and support families with services.
- The London Child Protection Procedures 2016 which have been adopted by all London councils and Local Safeguarding Children Boards (LSCBs) designed to ensure adherence to statutory guidance.
- Working Together to Safeguard Children 2015 which has recently been reissued with some revisions. This provides a national framework and core requirements which agencies and professionals must satisfy in order to safeguard and promote the welfare of children.

### Key functions of CSC

#### 5.2 Early Help

Early Help means taking action to support a child, young person or their family early in the life of a problem, as soon as it emerges. It can be required at any stage in a child's life from pre-birth to adulthood and applies to any problem or need that the family cannot deal with or meet on their own. It is to meet this wide definition that the council commissions family support and children's centres in particular but a wide range of other services provided by the council and its partners also count as Early Help although (as in councils across the country) the range and quantum of this has been eroded during the austerity period. CSC has to ensure that children and families who do not meet the threshold for social care intervention are offered and indeed take up and benefit from Early Help. CSC is also expected to 'step down' cases which no longer need a social worker but where some vulnerabilities remain to Early Help services. Early Help is part of Ofsted's focus in its current inspection arrangements for CSC.

#### 5.3 Child protection

A local authority's powers and duties to safeguard children are defined in the Children Acts of 1989 and 2004. Two core elements of the 1989 Act are

Section 17 and 47. Section 17 imposes a general duty on every local authority to safeguard and promote the welfare of children in need of local authority services within their area.

- 5.4 Section 47 defines the authority's duty, in partnership with other agencies, to initiate enquiries if they become aware that a child in their locality is suffering or is likely to suffer significant harm. If, following or during the course of assessment, concerns about a child's safety are identified, local authority social workers should convene a strategy discussion/meeting with the police and others to decide whether to undertake an enquiry under Section 47 and any associated action to protect the child.
- 5.5 Within the 2004 Act, Section 11 requires local authorities and partner organisations with responsibility for the care and well-being of children to co operate. This includes health, police, probation and youth offending teams. Schools and the voluntary sector are encouraged to work in partnership with local authorities to plan and deliver services tailored to the needs of the child.
- 5.6 In addition, the 2004 Act requires all children's services' authorities to establish a Local Safeguarding Children Board (LSCB) and appoint a Director for Children's Services (DCS) and a Lead Member for Children's Services (LMCS). Legislation this year changes the requirement to have an LSCB but the government guidance on the new expectations has not yet been received. It is unlikely to reduce the burden on councils in terms of finance and administration.

## **6. Children looked after**

- 6.1 There are several ways that a child or young person can become looked after by the local authority
- A parent can request that their child is looked after or "accommodated" by the local authority under Section 20 of the Children Act 1989
  - The police can take a child under Police Protection for 72 hours
  - The local authority can be so concerned about a child that they decide to apply for an Emergency Protection Order which lasts for 8 days
  - The local authority can decide to implement care proceedings if the threshold for this has been met., and within those proceedings apply for an Interim Care Order
  - As a final outcome of an application to court, the local authority may be granted a full Care Order, with a care plan that the child lives in accommodation provided by the local authority.
  - The Courts can remand a child into the care of the local authority in criminal matters
  - Exceptionally, the Court can make an Interim Care Order in private law proceedings, which may result in the removal of a child from the family to local authority accommodation

- In certain circumstances, the local authority can apply for a Secure Accommodation Order under Section 25 of the Children Act 1989
- 6.2 When a care order is made, the local authority acquires parental responsibility and becomes a legal parent with associated duties alongside the parent/s with parental responsibility. Looked after children are placed at the expense of the local authority in foster placements or in exceptional circumstances, residential placements. “Connected persons”, ie relatives and friends of the child, can also be assessed and approved as foster carers. Looked after children become Care Leavers at age 18 and following recent legislation, the council has responsibilities for them up to age 25.
- 6.3 Foster placements provided by carers not connected to the child are either with in-house foster parents who are recruited by the Council or provided by an external agency who employs foster parents and then contracts with the local authority to provide placements. These are known as Independent Fostering Agencies (IFAs).

#### Section 17

- 6.4 A ‘Child in Need’ is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services; or a child who is disabled.
- 6.5 For children who are disabled, assessments are carried out by the Children with Complex Needs Team and packages of care may be given, where appropriate linking up as part of a holistic package of support with education and health.
- 6.6 For children whose parents present as destitute and/or intentionally homeless it may also be necessary to carry out a social work assessment and the family may require support to be given in kind, by providing accommodation or cash.
- 6.7 Ofsted inspection regime
- 6.8 Ofsted inspects and regulates services that care for children and young people, and services providing education and skills for learners of all ages.
- 6.9 Ofsted inspects Local Authority Children Services and the Local Safeguarding Children Board under its powers in accordance with section 152 of the Education and Inspections Act 2006 and carried out under the Local Safeguarding Children Boards (Review) Regulations 2013.

- 6.10 Lewisham was last subject to a full inspection of our CSC Department in November 2015, with the report published in February 2016. This graded Lewisham as 'Requires Improvement'. Based on current arrangements Lewisham would expect to receive a further inspection under the new ILACS regime fairly early in 2019. The borough could also receive a thematic inspection through the Joint Targeted Area Review (JTAI) inspection arrangements from any time from now onwards. On 5<sup>th</sup> and 6<sup>th</sup> September, the council received a 'Focused Visit' from Ofsted. This is a form of 'mini inspection' reported via a letter rather than a graded report. It focused on our front door and MASH arrangements, given that this was the main area for action following our 2015 inspection.
- 6.11 All aspects of Children's Social Care fall under the Ofsted regulatory regime and in effect this regime sets standards to which the council is required to adhere. The local authority is not free (as with some council services) simply to 'cut its coat according to its cloth' but rather is expected to provide a service that meets requirements, not just keeping children safe but ensuring good outcomes. If an Ofsted inspection finds (as in a number of London boroughs) that standards are not met and the services are graded 'Inadequate', the Council is required to rectify this, with a high degree of scrutiny from the DfE, or risks the function being removed from Council control.

## **7. Children's Social Care improvement priorities**

- 7.1 All local authorities need to engage in continuous improvement for children's social care, not least because the context and wider society change constantly so the demands and challenges for the service shift over time. Also research informs understanding of what constitutes effective practice and which interventions are most effective. As a 'Requires Improvement' local authority, we need a fast trajectory of improvement – and the financial imperatives as outlined below are a significant driver. Fortunately improvement in practice and effective interventions can lead to a reduction in demand, especially at the higher end, so it is possible for the financial recovery work and the service improvement work to run on parallel and linked tracks.
- 7.2 The letter from Ofsted following the Focused Visit in September 2018 identified that the council needed to improve:
- The business processes and ICT systems need to progress and record work into the Multi Agency Safeguarding Hub and enable integration of early help and assessment records
  - The range and accessibility of performance data
  - Clarification of thresholds and access to services
  - Limited capacity to deliver Early Help services
  - The effective use of information in the MASH
  - The quality and consistency of assessments
  - Quality assurance and management oversight

7.3 The Ofsted Focused Visit focused on the 'front end' of the service. There is a wider range of improvement priorities relating to the whole system, in particular:

- Support for care leavers (reflecting responsibilities to age 25)
- Quality of plans for children
- Consistency of social work practice – to be addressed through the implementation of the 'Signs of Safety' practice model
- Senior management capacity for strategic development
- Contextual safeguarding (safeguarding of adolescents for whom the primary risks lie outside the home).

7.4 Our Children's Social Care services do however have some significant strengths:

- Our social workers are hard working and committed to the borough, its children and families, often doing good and creative work in spite of systems failings
- Social worker caseloads are now manageable
- Staff respect their managers and generally receive regular supervision
- Senior managers take responsibility for complex decisions and are in touch with the front line
- There is a strong commitment from staff to raising practice standards
- Elected members show commitment to children's social care, including through corporate parenting and scrutiny
- The Virtual School is a strength, with CLA attainment higher than in comparable boroughs.

## **8. Financial drivers**

8.1 The CYP Directorate's financial position is a key driver for the children's social care improvement work. As Members are aware (and as reported in detail to Public Accounts Select Committee on 25<sup>th</sup> September 2018), children's social care overspent by £12.6m in 2017/18 and is set to overspend by £14.4m (of which £7.5m is being supported by Mayor and Cabinet) leaving a net overspend of £6.9m in 2018/19 on Children's Social Care. This mirrors overspend situations in local authorities across the country with a picture of rising demand.

8.2 The budget pressures in children's social care are in two areas:

- Placement of children looked after: The number of children looked after has increased in Lewisham and across the country, but our rate of looked after is higher than our statistical neighbours. We also have high numbers in residential placements and these are extremely high cost.
- Staffing budget (social workers, managers and business support): This budget has been historically overspent with a mismatch between budgets and staffing establishment which has hampered monitoring and in 2017/18 additional social workers were taken on to reduce caseloads to acceptable levels, especially in Referral and Assessment.

8.3 The key improvements required to address the budget issues are as follows:

- Improve the placement process and commissioning of residential care, leaving care accommodation and semi-independent accommodation and fostering for children looked after, as reflected in budget cuts CYP1 to 5
- Refresh the Children's Social Care Placements Sufficiency Strategy
- Clarify the CSC staffing establishment, ensure it is properly costed and establish a staffing budget and fixed establishment which can be effectively monitored
- Restructure the CSC budget, with a recoding exercise, introducing effective budget monitoring all levels with a budget which reflects activity and for which individual budget holders can be held to account
- Develop a medium term financial strategy for children's social care reflecting patterns of demand but also a trajectory to the best in class pattern of placements and service activity, in line with the Council's overall Medium Term Financial Strategy.

## **9. The Children's Social Care Improvement Plan**

9.1 The CSC Improvement Plan moves the service on following the completion of the post Ofsted improvement plan which ran from 2015 to 2018 and which was reported to CYP Select Committee. An initial version of the new Plan was shared with Ofsted during their Focused Visit in September 2018. The complete plan is a very large, multi-page document. Attached to this report is a high level Summary Plan.

9.2 The delivery of the Improvement Plan is overseen by CSC Improvement Board. This is an officer board consisting of senior officers from CYP Directorate but also from Finance, HR, Performance and IT. It is chaired by the Lead Cabinet Member for School Improvement and Children's Services.

9.3 The service has struggled to deliver improvement at pace while meeting the increasing demands of 'the day job' and both Ofsted and the external review of the service commented on senior capacity issues. Additional resources have been allocated to the service to support improvement over the coming year, in particular to fund an urgent project to improve the Liquid Logic IT system.

9.4 Officers have also levered in additional funded support from the DfE's improvement adviser and are developing a partnership with London Borough of Islington who are funded to work with other local authorities under the DfE funded Partners in Practice Scheme.

## **10. Financial implications**

10.1 Overall the overspend position for Children's Social care is now revised at £6.9m.

- 10.2 Placements - With regards placements, CYP has developed a sufficiency strategy which will provide a revised approach to placements and ensure VFM is achieved. The increase in demand will continue to place an upward pressure on the service.

The overspend is projected to be £10.4m supported by additional funding by Mayor and Cabinet (£7.5m) leaving revised overspend of £2.9m. The report details the increase in demand of 32 additional placements compared with 2017/18.

- 10.3 Staffing costs - With regards staffing, the service is currently reviewing the staffing needs. The service is currently overspending by £4.5m against a budget of £12.5m. The service has a large number of agency support which is one factor driving up cost.

## **11. Legal implications**

- 11.1 There are no additional legal implications.

## **12. Crime and Disorder Implications**

- 12.1 Children's Social Care works closely with the police and council crime reduction services and with the Youth Offending Service, given the links between crime and child protection.

## **13. Equalities Implications**

- 13.1 Involvement with children's social care is associated with economic and social disadvantage, disability (both in parents and children) and has strong cultural and ethnic dimensions. An equalities assessment is being undertaken for the improvement programme.

## **14. Environmental Implications**

- 14.1 There are no specific environmental implications arising from this report.

## **15. Conclusion**

- 15.1 Members will be kept updated on the progress of the improvement programme.

## **Appendices**

### **Appendix 1 – CSC Improvement Plan November 2018**

If there are any queries arising from this report, please contact: Sara Williams  
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