

MAYOR AND CABINET			
Report Title	Response to Public Accounts Committee 25 th September 2018 – Cost pressures in Children’s Social Care		
Key Decision	No	Item No.	
Ward	All		
Contributors	Executive Director for Children and Young People		
Class	Open	Date:	12 December 2018

1. Summary

- 1.1 This report responds to a referral to Mayor and Cabinet made by the Public Accounts Committee on 25th September 2018 following their consideration of a report on the budget issues in Children’s Social Care (CSC).

2. Recommendation/s

It is recommended that the Mayor and Cabinet:

- 2.1 Approves the response from the Executive Director for Children and Young People to the comments from the Public Accounts Select Committee.
- 2.2 Agrees that this report should be forwarded to the Public Accounts Select Committee.

3. Background

- 3.1 On 25th September, the Public Accounts Select Committee received a report on the Children’s Social Care budget, following this budget reporting a significant overspend in 2017/18. This report explained the statutory basis for CSC services, the regulatory framework and drivers of demand and spend in CSC. The report also explained the work being put in place to improve the service, ahead of an Ofsted inspection likely to be early in 2019. This work included a significant strand of work targeted specifically at reducing costs, particularly the costs of placements of children looked after.

4. Referral

- 4.1 The Public Accounts Committee discussed the report at length and made the following referral.
- 4.2 The Committee notes the report and recognises the severity of the budget issues raised.

4.3 The Council must learn lessons from the problems and issues raised.

Referral 1

PAC recommended that improved, more accurate and more detailed financial information is produced in relation to this budget and properly utilised by the relevant officers; and that regular monitoring reports are received by the Public Account Select Committee on this budget;

Response

Officers take regular financial forecast reports to the Public Accounts Select Committee. Going forward, these reports will provide more detailed analysis for areas of budget risk, including Children Social Care and a more comprehensive narrative on the proposed management action to mitigate such risks. They will include analysis of activity as well as spend to better enable members to understand trends and the effectiveness of budgetary control as well as transformation work.

Referral 2

PAC expects that action is taken to reduce cost pressures, such as transport.

Response

The CSC Improvement Plan is in place, with delivery overseen by the CSC Improvement Board chaired by the Lead Cabinet Member for School Improvement and Children's Services. This includes work which aims, through improved practice and better support for families, to reduce demand for high cost services generated by children becoming looked after. This is underway (as set out in a report to the CYP Select Committee 6th December 2018) but takes time to implement and take full effect and sits in the context of increasing numbers of children becoming looked after nationally. The next milestone in this work will be the sign off of the new Placements Sufficiency Strategy which is scheduled for February 2019. The budget for home school transport for children with special educational needs and disabilities sits outside the CSC budget, in the wider CYP general fund budget and is also an area of overspend (in common with most other councils). This is subject to a detailed review with a view to carrying out a programme of further transformation in terms of managing demand for and provision of transport services.

Referral 3

PAC noted that "best practice costs less", with particular regard to management and staffing, and looks forward to changes being made to current practice that will lead to this result.

Response

As mentioned above, the CSC Improvement Plan addresses quality of social work practice as well as systems and processes to improve support for

families in a way that aims to reduce numbers of children becoming looked after. A key strand of the Improvement Plan is the introduction of a 'Contextual Safeguarding' approach to work with teenagers. This is an approach developed in a number of local authorities, including Hackney, where a specialist, multi agency approach is taken for older children for whom the main risks exist outside the home. This too aims to reduce the number of children becoming looked after.

This is not however a 'quick fix' and sits in the context of increasing demand for children's social care generated by austerity. Rigorous performance management will however allow the Improvement Board to monitor progress in tackling demand for 'high end' services.

Referral 4

PAC notes and welcomes the fact that a recommendation to increase the base budget for this service, so it is more realistic, will be considered by Mayor and Cabinet on 10 October 2018; however, any future increase to the base must be considered within the context of the Council's overall priorities and financial strategy and follow further monitoring to ensure the necessary efficiencies have meanwhile taken place.

Response

The base budget for CSC is still being reviewed, following a review of the staffing structure and the Children's Placements Sufficiency Strategy. The issues raised by PAC will be taken into account.

Referral 5

In relation to the referrals above, the Committee acknowledges the need for, and welcomes the prospect of, a new and comprehensive improvement strategy; notes the outline improvement plan appended to the report presented to the Committee; notes that a more detailed plan has been produced that is currently in draft form; and welcomes the prospect of a better financial framework – including the accounting for costs in other related services to Children's Social Care – to support the plan, as referred to above.

Response

As mentioned above, the CSC Improvement Plan is in place, monitored by the CSC Improvement Board. There is also a monthly meeting on the CSC budget led by the Lead Member for School Improvement and Children's Services and the Lead Member for Resources. The summary Improvement Plan is also being reported to CYP Select Committee on 6th December 2018.

5. Financial implications

- 5.1 There are no financial implications directly arising from this report.

6. Legal implications

6.1 There are no legal implications directly arising from this report.

7. Crime and Disorder Implications

7.1 There are no specific crime and disorder implications arising from this report.

8. Equalities Implications

8.1 The Council has a public sector equality duty (the equality duty or the duty - The Equality Act 2010, or the Act). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 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 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

8.4 The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the 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 on the EHRC website.

8.5 The EHRC has issued five guides for public authorities in England giving advice on the equality duty. 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.

- 8.6 The equalities impact of the CSC Improvement Programme is being assessed as part of management of the project, but CSC serves the most disadvantaged young people, disproportionately from BME.

9. Environmental Implications

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

If there are any queries arising from this report, please contact Sara Williams 0208 314 6301.