

11 December 2012		ITEM 8
Children's Services Overview & Scrutiny Committee		
Looked After Children and Care Leavers		
Report of: Barbara Foster, Head of Care and Targeted Outcomes		
Wards and communities affected: All	Key Decision: Non - Key	
Accountable Head of Service: Barbara Foster, Head of Care and Targeted Outcomes		
Accountable Director: Jo Olsson, Director of People Services		
This report is Public		
Purpose of Report: To provide members with an overview of the service for looked after children and care leavers and provide information as to statutory and legislative changes that may have an impact on the service		

EXECUTIVE SUMMARY

This report summarises the information about Thurrock's looked after children and care leavers. As mentioned in the report to Overview and Scrutiny Committee on 1 February 2012, the numbers of looked after children continue to rise, both nationally and locally. The service was inspected by Ofsted in June 2012, whereby it received a grading for 'Overall effectiveness' Good and 'Capacity for Improvement' Good. For more detail please see attached report Appendix A

1. RECOMMENDATIONS:

1.1 Members are asked to note the content of the report.

2. INTRODUCTION AND BACKGROUND:

2.1 Children who come into care of the local authority are those who are the most vulnerable and at risk of harm when all other interventions have been unable to generate sufficient positive change.

- 2.2 There is no single reason for children being in care. Disabled children may be looked after because their disability requires such a high level of support that their needs can only be met in a highly specialist residential resource. Otherwise, a range of social problems including poverty, poor parenting, poor mental health and drug and alcohol misuse and Unaccompanied Asylum Seeking Children are common background features.
- 2.3 As the national and local trend for the looked after children population is that it continues to rise, there is debate and exploration of this matter taking place at all levels.
- 2.4 The current report completed by the Government's Education Committee, known as '*Children first: the child protection system in England*', November 2012, encompasses a number of reports completed by various organisations, such as Cafcass (Children and Family Court Advisory and Support Service), '*Three weeks in November...three years on...*, Cafcass care application study 2012 and the ADCS (Association of Directors of Children's Services). '*Safeguarding Pressures Phase 3, October 2012.*
- 2.5 In this report it suggests that some of the reasons for the increase is the impact of the 'Southwark Judgement, 2009' and the death of Baby P. It also acknowledges that the rise in care applications had already begun prior to the Baby P situation.
- 2.6 The report raises issues of heightening public and professionals' sensitivity to child protection, improvement of detection and reporting of abuse and neglect, changes in demography, parenting capacity and economic recession, which increases stress on families.
- 2.7 The report also suggests that outcomes for children who are looked after are often better than those who remain in damaging family situations, thus the need to tackle the widely held belief that care is damaging to children
- 2.8 In Michael Gove MP, speech on the 16 November 2012, he went further and stated, '*I want social workers to be more assertive with dysfunctional parents, courts to be less indulgent of poor parents, and the care system to expand to deal with the consequences*'
- 2.9 In his conclusion he stated '*A rising number of young people in care is not a cause for concern in itself. What is a cause for concern is the horrific neglect and abuse that care can be a rescue from.*'
- 2.10 In response to this the Department is attempting to understand the reasons behind the rise within Thurrock.
- 2.11 At the time of writing this report, the Department is currently awaiting the national statistics and data from the DFE, which will enable senior managers to compare data with our statistical neighbours and look at the different trends.
- 2.12 A hypothesis that continues to be discussed and explored is that, in Thurrock the majority of cases where children have become looked after are from families that are known to the Department previously and have had a history of involvement from us and other agencies, that we are now seeing second

and third generation family members coming to the attention of the local authority and ultimately their children coming into local authority care.

3. THURROCK'S LOOKED AFTER CHILDREN AND CARE LEAVERS

- 3.1 As of the 9 November, there were 257 children and young people who were looked after by the Local Authority, which includes Unaccompanied Asylum Seeking Children (UASC). This time last year (November 2011) there were 242 looked after children.
- 3.2 There are currently 106 care leavers as compared to 101 in November 2011
- 3.3 The increase in our looked after population has been in the age group of children aged 5 – 11. In November 2011 this was 28% (68 children) compared to 32% (83 children) in November 2012.
- 3.4 This also correlates with the increase in the number of care proceedings that the Department is currently involved in. In November 2011 there were 66 children (27%) subject to Interim Care Orders compared to 86 children (34%) in November 2012.
- 3.5 This has also meant a significant increase in the use of independent fostering agency placements and residential homes.
- 3.6 Our performance in respect to placement stability as reported in October 2012 is that, of the 255 children and young people looked after, 12 had 3 or more placement moves. This equates to 4.7%, which was the same as October 2011. Again, due to the increased numbers this figure may change, but we are on course, despite this increase, to meet our target which is 9%.
- 3.7 Reports have been presented to Corporate Parenting Committee in respect to looked after children and health, and education. Both reports are attached as Appendix B and C respectively.
- 3.8 The Department currently has 10 care leavers attending university and 7 young people engaged in our diversity in apprenticeship scheme. There is a further young person on the fringes with another 2 young people staff are currently involved in encouraging them to start the course. We have one success, where the young person has entered paid employment, with a further young person likely to follow in the same footsteps.
- 3.9 Our performance in respect to care leavers in suitable accommodation is that out of the 29 we need to record, 15 young people are in suitable accommodation, 1 young person is not (custodial sentence) and another at the time was 'sofa surfing', despite staff providing other alternatives, 12 are currently not recorded, with 3 young people not receiving a service from the After Care Team and 9 whose 19th birthdays do not fall until December onwards. Once these young people have reached the age of 19 years, their situation will be recorded and will be included in the information which we are obliged to return to the government on this subject.

- 3.10 In respect to employment, education and training, 7 young people are in either employment, education or training (EET), 10 are not in education, employment or training (NEET) and 12 are currently not recorded due to 3 young people who have decided that they do not wish to receive a service and 9 of whom do not reach their 19th birthdays until December onwards.
- 3.11 It is important that the service and Elected Members are fully apprised of the views and wishes of the local looked after young people. This was incorporated in the Children's Services Overview and Scrutiny Committee Report, Children in Care, dated 1st February 2012 and additional information can be sought for Members at any point.
- 3.12 The Children in Care Council have been consulted on and involved in the development of the current complaints form and its process, the development of the Feedback form for reviews and the approval of the document, 'The Big Wide World' which provides older looked after children with information on issues that will help them move into independent living.
- 3.13 The Corporate Parenting Committee now includes representation from the Children in Care Council. In addition, Open Door now work with the Children in Care Council as their adult advisors outside the Council.
- 3.14 The Department has achieved the seven standards in respect to our LILAC inspection in February 2012, which addresses participation of young people. We continue to monitor and review these standards through our senior managers and the Corporate Parenting Committee.
- 3.15 The advocacy service run by Open Door has received 36 referrals, 50% from Children's Social Care, 40% self referrals and 10% from other agencies. The main areas of work are around placement and contact issues.

4.0 **LEGISLATIVE AND STATUTORY CHANGES**

- 4.1 As of the 1 April 2013, Ofsted will implement its new framework for the inspection of services for children looked after and care leavers.
- 4.2 The new framework will also involve the inspection of Fostering and Adoption and will be delivered over a four year period as opposed to a three year period which is being proposed for the protection of children inspection.
- 4.3 As of the 1 September 2012, Adoption Panels are no longer able to consider whether a child should be placed for adoption. This is the decision of the 'Agency Decision Maker' who is the Head of Children's Services. The purpose of this change in legislation is to speed up the process for children being placed for adoption.
- 4.4 A further change, which has come about from the Ministry of Justice Review to also combat the issue of delay, which is being implemented now, is that legal proceedings should take a maximum of 26 weeks as opposed to the average being 53 weeks. The role of the Department in helping combat the issue of delay will be that the quality of our assessments will mean that additional assessments will not be necessary unless this is for specific reasons and reducing the use of 'Expert Witnesses' who complete assessments on parents.

- 4.5 A further change, which is due to come into force on the 3 December 2012, is that all young people aged between 10-17, who are placed on remand will become looked after children regardless of the type of placement (ie Secure Training Centre, Young Offenders Institution etc). This matter is being addressed between the Strategic Leader for Youth Offending and Adolescent Services and the Service Manager for Through Care Services. It is envisaged this will affect between 20 – 25 young people per year.
- 4.6 In respect to the change for those young people being remanded, should they remain looked after for 13 weeks or more and part of that remand be on or after their 16th birthday, they will also be entitled to leaving care services under the Children (Leaving Care) Act 2000.
- 4.7 The Children and Young Persons Act 2008, which came into force on the 1 April 2011 makes it a duty for the Department to undertake an assessment and prepare a pathway plan for those young people, under the age of 25 who wish to pursue education or training and were a former relevant child. To date the Department has received 2 requests for support under this legislation. The Department has provided 1 young person with the support, but unfortunately the other young person was unable to undertake the identified training due to their immigration status.
- 4.8 The Department for Education have agreed changes to Children’s Social Care Returns for 2013-14 and it is expected that the DFE will collect information on care leavers at the ages of 19, 20 and 21. The data to be collected will be pertaining to the young person’s main activity, (ie employment, education or training), accommodation and keeping in touch.
- 4.9 The Department for Education has also produced a Charter for Care Leavers, (see Appendix D) which sets out some key principles, which should remain throughout any changes of legislation. These key principles are enshrined within the Looked After Children Strategy and our policies.
- 4.10 The implementation of the Welfare Reform legislation will have implications for care leavers, as universal credit will be rolled out in October 2013, which means that young people will receive their benefits, along with their housing benefit, in one payment. The Service Manager is currently on the Working Group and will be representing care leavers to ensure their needs are put forward.

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 None

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 The Council’s responsibilities for children in care and care leavers are unique and sit at the heart of all priorities.

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Mike Jones**
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An additional £3m growth bid has been identified in the Council's medium term financial strategy in order to address the current financial shortfall within the Children's placements budget. This is subject to Cabinet approval in February as part of the budget setting process.

Any further financial implications arising as a result of legislative changes will need to be considered as part of this process.

6.2 Legal

Implications verified by Lindsey Marks
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The Children (Leaving Care) Act 2000 provides that every child who has been looked after for 13 weeks or more and part of that period is on or after their 16th birthday is entitled to leaving care services. The Children and Young Persons Act 2008 impose a duty upon the Local Authority to undertake an assessment and prepare a pathway plan for any child who is a relevant child, that is someone who has been looked after for 13 weeks or more and part of that period is on or after their 16th birthday.

The Local Authority has a duty to support such a young person in pursuing education and training up until the age of 25 if that is something that the young person wishes to pursue.

There are a number of changes that have been introduced to minimise delay for children. The Family Justice Reforms propose that all care proceedings for children; unless there are exceptional circumstances should be concluded within 26 weeks. The Family Justice Reforms, in trying to tackle delay, are proposing that the use of experts in care proceedings should be reduced and that more reliance should be placed upon the statements and assessments of social worker and the reports of the Children Guardians who are appointed to represent children in care proceedings.

Since the 1st September 2012 the Adoption Panel no longer makes recommendations to the Agency Decision Maker as to whether or not a child should be placed for adoption save in the case of a relinquished baby. The Adoption Agency Decision Maker makes the decision as to whether or not a child should be placed for adoption. This change in the Adoption Regulations

has been introduced to reduce delay for children who are the subject of care proceedings.

6.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
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Looked after children and care leavers by their very nature are a vulnerable group which also within it has children and young people who are from different cultures, races, some will have disabilities, English will not be their first language and sexuality may be an issue.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

7. **CONCLUSION**

7.1 For information

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Thurrock Looked After Children Profile for November 2011 and 2012.
- Education Committee, 4th Report, Children first: the child protection system in England

APPENDICES TO THIS REPORT:

- Appendix A - Ofsted Inspection of Safeguarding and Looked After Children
- Appendix B – Health of Looked After Children
- Appendix C – Education of Looked After Children
- Appendix D – Charter for Care Leavers

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