

15 June 2023		ITEM: 11
Children's Services Overview & Scrutiny Committee		
Children's Social Care Statutory Duties		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Janet Simon, Assistant Director Children's Social Care and Early Help		
Accountable Assistant Director: Janet Simon Assistant Director Children's Social Care and Early Help		
Accountable Director: Sheila Murphy, Corporate Director, Children Services		
This report is Public		

Executive Summary

This report is in relation to the statutory duties that relate to children and how these statutory duties are met by Children's Social Care.

1. Recommendations:

- 1.1 Children's Services Overview & Scrutiny Committee to be aware of the council's statutory duties in relation to Children and Young People**
- 1.2 Committee to be assured that the statutory duties as set out are being met.**

2. Introduction and Background

- 2.1** Local Authorities are required to appoint a Director of Children's Services (DCS) and designate a Lead Member for Children's Services (LMCS). The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority (regardless of where they are placed).

2.2 The Director of Children's Services (DCS), the lead member for children's services (LMCS), the leader of the Council and the Chief Executive have key leadership roles in Children's Services across the council. They must, through working with other local agencies, improve outcomes for children and young people.

3. Issues, Options and Analysis of Options

3.1 Local authorities have various Statutory duties for children which can be categorized as:

- Looked After Children and Care Leavers
- Children with Disabilities and SEND
- Children in Need
- Child Protection and Safeguarding
- Early Years
- Youth Justice and Crime and Disorder
- Education

The range of duties is illustrated by the list produced by the Association of Directors of Children's Services in 2011, and updated in 2018, which is attached at Appendix 1.

3.2 DCS and LMCS in their respective roles:

- should each have an integrated children's services brief, ensuring that the safety and the educational, social, and emotional needs of children and young people are central to the local vision. Between them, the DCS and LMCS provide a clear and unambiguous line of local accountability
- have a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment, providing stable and high-quality placements and proper planning for when they leave care.
- must ensure that disabled children and those with special educational needs (SEN) can access high quality provision that meets their needs and fund provision for children with statements of SEN.
- must ensure arrangements are in place for alternative provision for children outside mainstream education or missing education (e.g., due to permanent exclusion or illness) to receive suitable full-time education.
- should ensure there is coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of education for young people in custody
- ensure that safeguarding responsibilities are effectively carried out; and

- should understand local need and secure provision of services taking account of the benefits of prevention and early intervention and the importance of cooperating with other agencies to offer early help to children, young people and families

3.3 The current structure within Thurrock CSC divides the key areas of practice into four discrete areas, each with a strategic lead responsible for the key duties above and each reporting into the assistant director as identified below:

- Children in Need (CIN) and Child Protection (CP)
- Children Looked After (CLA) and Aftercare
- Safeguarding & Quality Assurance
- Early Help and Prevention and Youth Offending Service

Children with Disabilities sits across the Children Looked After and Aftercare and Early Help, Prevention and Youth Offending Services.

3.4 This structure was introduced over a phased period starting from 2017 following the Requires Improvement Ofsted Judgement in 2016. It ensured that a robust leadership and management model was in place to support the service in delivering its statutory duties to a high standard and managing demand earlier.

3.5 Local authority Children's Services are subject to a number of regulatory inspections and focused visits which focus on whether needs are being met, outcomes for children and that statutory duties are being met in respect of children.

3.6 Ofsted introduced the ILACS (Inspecting Local Authority Children's Services) inspection framework in January 2018 which replaced the previous Single Inspection Framework (SIF) of children's services. Thurrock had a full ILACS inspection in November 2019. The ILACS inspection is a very detailed and robust review of all areas of practice in children's social care, early help services and education services for children educated at home as well as for children missing education. The inspection also evaluated the effectiveness of leaders and managers; the impact they have on the lives of children and young people; and the quality of professional practice. The outcome of the inspection was that Thurrock Council is providing a *Good* service for vulnerable young people in the borough.

3.7 Thurrock Youth Offending Service were also inspected by Her Majesty's Inspectorate of Prisons (HMIP) in May 2022 with an outcome that Thurrock was providing Good Services with some areas of outstanding practice.

4. Reasons for Recommendation

- 4.1 It is important that members are aware of the statutory duties of the local authority in respect of the children who are the responsibility of the local authority and have an oversight of the impact of the service and its ability to meet these duties.

5. Implications

5.1 Financial

Implications verified by: **David May**
Strategic Lead Finance

The Children Social Care budget, provided by Thurrock Council for 2023/24 is shown in the table below.

Children and Family Services	Budget 2023/24
Brighter Futures - Prevention Service	£4,595,917
Business Administration	£755,725
Children and Families	£4,210,478
Children Looked After and Placements	£24,058,531
Family Support	£3,718,463
LSCB & Quality Assurance	£89,326
Safeguarding and Child Protection & LADO	£1,092,363
YOS and Adolescent Services	£1,008,452
Social Care Grant	(£5,063,993)
Total	£34,465,264

The Council is currently facing very challenging financial circumstances and issued a s114 notice in December 2022 as it was unable to balance its budget for 2022/23 and 2023/24. This situation will recur for several years hence. The Council thus has to enable and evidence that it can achieve financial sustainability in the longer term – this is leading to more robust budget and related financial procedures.

All services will face appropriate but more rigour than has been the case in the past in verifying the essentialness of costs, the value for money from them and the affordability of the planned expenditure

Throughout this process, the safeguarding of children and young people in Thurrock will remain a high priority of the Council

5.2 Legal

Implications verified by: **Judith Knight**
Interim Deputy Head of Legal
(Social Care and Education)

The responsibilities of the DCS are set out under Section 18 of the Children Act 2004 but do not have to be limited to the named statutory provisions. The requirement for the Council to appoint a lead member for children's services comes from Section 19 of the Children Act 2004. Both the LMCS and DCS must have regard to the statutory guidance [DFE stat guidance template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

The statutory guidance states that the Local Authority should assure itself that their arrangements enable them to discharge their education and children's social care functions effectively. Effective assurance checks of structures and organizational arrangements, should be integrated in its usual decision-making and scrutiny work.

5.3 Diversity

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project
Monitoring Officer

There are no direct diversity implications included in this information report. Local authorities must comply with the Public Sector Equalities Duty as set out in the Equality Act 2010, which means that, as well as ensuring that they do not discriminate unlawfully, DCSs' (Directors of Children's Services) and LMCSs' (Lead Member for Children's Services) must consider the likely impact of their policies and decisions on specified groups. In doing so, consideration should be given to Article 2 of the UNCRC (United Nations Convention on the Rights of the Child). Local authorities should also maintain an audit trail to demonstrate how equalities matters were considered as part of the decision-making process

6. Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

7. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

8. Appendices to the report

Appendix 1 - Social Care Duties