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Rhowch wybod i ni os mai Cymraeg yw eich
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**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: (01656) 643148
Gofynnwch am / Ask for: Mr Mark Anthony Galvin

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: 11 January 2017

Dear Councillor,

CABINET COMMITTEE CORPORATE PARENTING

A meeting of the Cabinet Committee Corporate Parenting will be held in Committee Rooms 2/3, Civic Offices, Angel Street, Bridgend, CF31 4WB on **Wednesday, 18 January 2017 at 2.00pm.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 10
To receive for approval the minutes of a meeting of the Cabinet Committee Corporate Parenting dated 19 October 2016
4. Children's Social Care Commissioning 11 - 18
5. Secure Estate 19 - 24
6. Investigation Report by the Public Services Ombudsman for Wales 25 - 58
7. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should be reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

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Councillors

HJ David
CL Reeves

Councillors

CE Smith
HJ Townsend

Councillors

PJ White
HM Williams

Invitees:

Councillor E Dodd
Councillor N Farr
Councillor EP Foley
Councillor HE Morgan
Councillor KJ Watts
Councillor DBF White

Agenda Item 3

CABINET COMMITTEE CORPORATE PARENTING - WEDNESDAY, 19 OCTOBER 2016

MINUTES OF A MEETING OF THE CABINET COMMITTEE CORPORATE PARENTING HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 19 OCTOBER 2016 AT 2.00PM

Present

Councillor HJ David – Chairperson

CL Reeves

HJ Townsend

PJ White

HM Williams

Apologies for Absence

CE Smith

Officers:

| | |
|------------------|---|
| Susan Cooper | Corporate Director - Social Services & Wellbeing |
| Mark Galvin | Senior Democratic Services Officer - Committees |
| Laura Kinsey | Head of Children's Social Care |
| Jo Lloyd-Jones | Team Manager - Fostering |
| Deborah McMillan | Corporate Director Education & Family Support |
| Darren Mephram | Chief Executive |
| Susan Roberts | Group Manager School Improvement |
| Mark Shephard | Corporate Director - Communities |
| Wendy Wilcox | Group Manager – Disability Transition and Case Management |
| Mark Wilkinson | Group Manager - Learning Disability |

136. DECLARATIONS OF INTEREST

None

137. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Cabinet Committee Corporate Parenting dated 20 July 2016 be approved as a true and accurate record, subject to the following:-

The Cabinet Member – Communities being added to the list of attendees at the meeting, and that where reference is made to Cabinet Member – Resources in Minute 132 on page 5, 2nd paragraph, 16th line of that paragraph, of the Minutes, this be changed to Cabinet Member – Communities.

138. CHILD PRACTICE REVIEW

The Corporate Director Social Services and Wellbeing submitted a report, that provided the Committee with information in respect of the most recent Child Practice Review (WB B 15 2014) published on 24 August 2016.

She explained of the background to the report and of the sad story surrounding the case in question. The Corporate Director Social Services and Wellbeing, also advised that the term Child Practice Review had replaced the previous term for cases of this nature recognised as Serious Case Reviews.

She then advised that there were two types of Child Practice Reviews, and these were Concise Reviews or Extended Reviews. Further explanation of these and the difference between the two was detailed in Paragraphs 3.6 and 3.7 of the report.

The report also advised that going forward in this area, it was important for multi-agency groups to work closely together, in order to avoid sad occurrences such as the one subject of the report arising in future and lessons being learnt. That meant close liaison, investigation and sharing of information between statutory bodies such as Social Services, the Police, Health and the Probation Office amongst others. The Corporate Director Social Services and Wellbeing added that agencies such as the above came together as part of a Safeguarding Board that had been established as part of Western Bay.

This section of the report advised also of two further Reviews that were currently ongoing.

The Head of Children's Social Care then gave a powerpoint Presentation with regard to the Child Practice Review published last August.

A Member asked, if despite the lessons that had been learnt as a result of the above case, was there still a risk of disconnection between key organisations such as Health and BCBC in terms of monitoring of vulnerable children and families and the consequences of any failings regarding this from a lack of communication between these bodies.

The Head of Children's Social Care confirmed that there was always some element of risk in terms multi-agency child protection agencies communicating and sharing information to an optimum level, however, it was about putting in place policies, plans, procedures and mechanisms, that would hopefully eradicate these situations taking place. She added that a Specialist Health Visitor's post had been introduced and a person had been appointed to this position, and things such as this and Social Workers along with employees from Health in localised Hubs had resulted in an improved way of working.

The Corporate Director Social Services and Wellbeing added, that recently a new community care information system had also gone live, which would improve methods of engagement with agencies such as ABMU, and that this system would be expanded to other key organisations over the next 18 months or so.

A Member asked Officers how many other children and/or families were in a situation of risk similar to L, and had she been on the Child Protection Register.

The Head of Children's Social Care advised that the Review carried out had been a Concise Review, as it satisfied the criteria of this as opposed to the Extended Review criteria. One of the criteria of a Concise Review, was due to the fact that L was not on the Child Protection Register when the review was carried out. By way of background information, she added that if a child was referred to Social Services, Social Workers had to ascertain the level of care and support that was required for the individual, including whether or not the case should be closed and the child referred to other specialist services, or retained within the auspices of the local authority with the view of Social Services providing the child with a suitable Care Support Plan. There were around 800 children residing within the County Borough currently being provided such a Plan. If it was a case of a Child Protection issue and the local authority considered that the child was at risk of harm, then it would be necessary to involve bodies such as the South Wales Police and other multi-agency organisations. At this stage the child would

then be placed on the Child Protection Register, and would have put in place a Child Protection Plan.

The Head of Children's Social Care added that if a child becomes looked after, this was due to the environment they were in at the time, ie that they find themselves in an unsafe or uncompromising position. An example of this she added, was if a Child Protection Plan put in place had not worked out as had been firstly anticipated.

A Member asked if any contact took place between siblings who were looked after, and any immediate family such as parents or grandparents etc.

The Head of Children's Social Care advised that the Social Services Department always promoted contact in situations such as this, other than if the child had been adopted or placed with foster parents. Even in these situations however, the natural parent(s) could still keep in contact with the child via correspondence.

The Chief Executive added that anything that had previously fallen between two stools in relation to this particular Child Practice Review or in respect certain other cases had been addressed through the likes of Action Plans put in place by the Western Bay Safeguarding Board, and these Plans applied to all reviews irrespective if they were in respect of children or adults. This was more on a national wider basis, however, a more local Action Plan had also been introduced through the Corporate Safeguarding Board.

The Cabinet Member Adult Social Care and Health and Wellbeing asked if the circumstances regarding the Child Practice Review (WB B 15 2014) could in any way have been avoided if the case had been managed more closely.

The Corporate Director Social Services and Wellbeing confirmed that a subsequent Review undertaken in respect of the way this case had been dealt with and managed, highlighted that unfortunately the outcome would have been the same as it was in any event.

A Member asked Officers what was considered as a suitable caseload for Social Workers, and how the Directorate could ensure that any future recommendations that are made in respect of a Review are carried out, especially in the face of continued limited resources.

The Head of Children's Social Care advised that Social Workers would normally have a maximum of 17 cases at any one time, and these are monitored. Unfortunately however, a minority of Social Workers had higher cases than this due to ongoing high workloads, though this was also being monitored with a view to reducing these to a more manageable level. This was difficult though, as the work was of high importance and the amount of incoming cases was to all intents and purposes not controllable. Management were also looking at ways to ensure steps are put in place in terms of more effective methods being applied not just with regard to the recruitment of Social Workers, but also in terms of retaining these Officers.

The Chairperson asked if all the actions recommended in the appropriate Action Plan had now been implemented, including by agencies external to the local authority.

The Head of Children's Social Care advised that all the recommendations made that related to the work areas of Children's Social Care had been addressed, and that she would check with the other multi-agency groups to see if they had also addressed any recommendations that came under the direct responsibility of them, and give feedback to the Chairperson outside of the meeting.

RESOLVED: That the Cabinet Committee Corporate Parenting noted the report.

139. **DEVELOPMENT OF A NEW TRANSITION SERVICE MODEL FOR DISABLED CHILDREN AND YOUNG PEOPLE**

The Corporate Director Social Services and Wellbeing presented a report, which informed the Cabinet Committee Corporate Parenting of the work undertaken in respect of the development of a new service model for young people in transition from Children's to Adult Services, and to seek approval to undertake wider engagement with staff and stakeholders in respect of the proposed new service model for transition in moving forward.

The report outlined certain background information, and advised that a Multi-Departmental Project team had been established to take work forward including key stakeholders involved in transition, covering all specialities within Adult Social Care, as well as representation from the Disabled Children's Team in Children's Services, and the project has followed a project management approach, with support being provided by the corporate Project management team.

The Group Manager, Disability Transition and Case Management confirmed that a range of workshops (totalling three) had taken place involving those key stakeholders identified in the report in order to:

- Fully appraise the current transition service model in Bridgend;
- Reconsider and review the proposal made via the Western Bay Learning Disability Programme; and
- Refine the proposed new model, in order to ensure that it meets the requirements of the Social Services and Wellbeing (Wales) Act 2014

In response to the work carried out in the workshops, an alternative 'phased approach' a proposal was then drawn-up by the Project Team, which addressed certain concerns highlighted in the report, and was in-keeping with the requirements of the new Act, as well as being a manageable and realistic proposal in terms of being implemented effectively within the required timescales. These phases were Phase 1 – A Transition Key worker model, and Phase 2 – A Western Bay optimal model. Further information on these was outlined in paragraphs 4.8 and 4.9 of the report, respectively.

The Group Manager, Disability Transition and Case Management then concluded her submission by advising of the reports financial implications with regard to the new Transition Service Model for Disabled Children and Young People.

The Cabinet Member Adult Social Care and Health and Wellbeing welcomed the new model and the fact that an Equality Impact Assessment would be carried out in due course, in order to assess any potential impact the model would have on individuals and staff.

He also praised the good work that was being undertaken in the Bridgend Resource Centre, but he asked also, if there was sufficient space at the centre to accommodate the extra staff that may be placed there, to support the introduction of the new model.

The Group Manager, Disability Transition and Case Management confirmed that a number of staff had already re-located and that there would be room available for future staff, on a phased approach.

The Chief Executive referred to the reports financial implications and enquired if any savings would be realised in due course as a result of the introduction of the new model.

The Corporate Director Social Services and Wellbeing, advised that the model would ensure that there is increased close-up working between staff in both Children's and Adult Services, which may lead to the opportunity to realign staff resources.it was difficult to predict to what extent savings would be made but the service understood the need to make efficiencies and this would be given due consideration.. Earlier intervention though by departments and agencies working together more collaboratively would also ensure a service efficiency. The Corporate Director Social Services and Wellbeing added that she would be in a better position to establish if any savings were to be made following the introduction of the new model in around 6 months time when it started to be more established.

RESOLVED: That the Corporate Parenting Cabinet Committee:

- (1) Noted the information contained in the report.
- (2) Approved to undertake wider engagement with staff and stakeholders in respect of the proposed new service model for transition in moving forward.
- (3) Noted that a further report will be presented to the Committee in the future, to include details regarding any financial implications, as a result of the introduction of the Service Model, and proposing a new Model for transition in the longer-term which will have been finalised based on the findings from the engagement.

140. INFORMATION ABOUT THE ESTABLISHMENT OF A NATIONAL FOSTERING FRAMEWORK

The Head of Children's Social Care presented a report, the purpose of which, was to provide the Cabinet Committee Corporate Parenting with information about the work done to date on establishing a National Fostering Framework.

She added that the report should be read in conjunction with the National Fostering Framework briefing paper attached at Appendix 1 to the report. This paper provided additional information, and was prepared by the Project Manager of the National Fostering Framework, for the intention of enabling the Strategic Steering Group to agree and support specific work streams and projects going forward. It had also been revised to include BCBC specific data.

The Head of Children's Social Care advised that the Framework would also improve the co-ordination of a number of different plans, policies and protocols and assistance more effectively in monitoring performance.

Paragraph 3.3 of the report advised that the case for change was hugely supported, and that there was a strong consensus about creating a National Fostering Framework, and this section of the report outlined the likely component parts of the framework.

The creation of a National Framework, was seen as a means of ensuring that known concerns are addressed, and to introduce greater consistency without sacrificing the acknowledged strengths and diversity of local accountability within the current system.

The Head of Children's Social Care referred to the present situation, and confirmed that a Strategic Steering Group had been established, with representation from Welsh Government, the Welsh Local Government Association (WLGA), the Association of

Directors of Social Services (ADSS) Cymru, the Fostering Network, Association for Fostering and Adoption (AFA) Cymru, Voices from Care, a designated Doctor for Looked After Children, Child and Adolescent Mental Health Services (CAMHS), Education, the Childrens Commissioning Support Resource (4C's) and Cascade, with this group providing strategic oversight and direction. Implementation of each of the recommendations endorsed by the Steering Group was anticipated to take place over two to three years, through a workstreams programme.

Paragraph 4.2 of the report then outlined examples of what the Work Programme for 2016-17 would include, whilst paragraph 4.4 of the report gave examples of what the development of a National Performance Framework would provide the local authority with an opportunity to do and improve upon a number of different work themes.

A Member was pleased to note from page 39 of the report, that the number of approved BCBC Foster Parents had increased from 104 in March 2012 to 155 in March 2015.

The Team Manager, Fostering Services confirmed that the Council were concentrating upon increasing the number of local Foster Carers, and improving marketing methods to continue to achieve this. She referred Members to page 40 of the report, where it detailed further information on foster caring, as well as giving information regarding the All Wales gross expenditure for fostering services, excluding kinship foster care. This was broken down for 2012/13, 2013/14 and 2014/15, and included details of expenditure and the number of children being looked at during these periods, in terms of local authority foster care and foster care provision from the independent sector.

The Cabinet member Resources asked Officers whether or not the Council had an In-House Complex Care team.

The Team Manager, Fostering Services replied that there was such a team in Children's Social Services.

A Member advised that would-be foster carers and existing foster carers had shown an interest in the "When I'm Ready Scheme".

The Team Manager, Fostering Services advised the Committee that this was a relatively new scheme, but that it was receiving some positive interest. She advised however, that additional foster carers would be required in order to support this scheme.

The Cabinet Member Equalities and Children's Social Services advised that Orders from the Court had to be given to place children in Out of County placements, including for specialist therapy treatments, and this obviously came at a significantly high cost. She asked if there were any initiatives ongoing or being considered, to provide such specialist care packages in-house or more locally.

The Head of Children's Social Care confirmed, that this was being looked at as part of the Residential Care Re-Modelling Programme work upon which was currently ongoing.

RESOLVED: That the Cabinet Committee Corporate Parenting noted the information contained within the Briefing Note and the Phase One report.

141. STRATEGIC APPROACHES TO THE SUPPORT OF VULNERABLE CHILDREN

The Corporate Director Education and Family Support gave a report, which both updated and informed Committee on the support being delivered to improve the educational performance of vulnerable children in Bridgend.

The Group Manager School Improvement by way of background, advised Members that it was recognised that the gap in performance between vulnerable groups and more advantaged peers puts them at increased risk of exclusion, poor attendance, behavioural problems, as well as social emotional issues. This could lead to these children leaving education without the skills or qualifications required to become independent adults.

She then confirmed that across Bridgend, there was an improving trend in GCSE performance at grades A* - G for looked after children, and in 2014/15 no looked after children left education at the age of 16 without a qualification, and referred to various data included in the report that substantiated this, including at the different levels of Key Stage pupils.

The Group Manager School Improvement also advised however, that the performance of pupils eligible for free school meals was generally improving in every key stage (with a drop at Key Stage 4 in 2014, followed strong performance in 2015). She explained that this was similar to the national trends in which there were improvements in every key stage.

She also advised that it was encouraging to note, that 3 pupils from Year 13 Cohort had progressed by going on to University.

The Group Manager School Improvement then confirmed that the strategic approaches detailed in the report, were not targeted solely at Looked After Children but also young people on the edge of care.

Paragraph 3.5 of the report, detailed information on how Children's Services were maintaining and building upon improvements made to date, and the Group Manager School Improvement added that the Vulnerable Groups Strategy raised awareness in certain key areas, as well as looking at more innovative ways by which to hopefully close the gap in terms of learning between groups of children that were deemed vulnerable in comparison to those which are not, in order to maximise their levels of achievement, and to this end, there had been a multi-level strategic approach to supporting and targeting the educational performance of these children.

The next part of the report referred to Exclusions and the Fair Access Strategy, and the Group Manager School Improvement confirmed, that following the pattern of a high number of fixed-term and permanent exclusions, A Fair Access Strategy Group was formed and an Action Plan devised for 2015-16 and details of this were included in Appendix D to the report.

With regard to the report's financial implications, the Group Manager School Improvement highlighted that there weren't any, as the initiatives described throughout the report were being met through a combination of Pupil Deprivation Grant for Looked After Children and existing resources.

The Cabinet Member – Adult Social Care and Health and Wellbeing, referred to the Fair Access Action Plan, which identified the need to have robust tracking, in order to analyse the data and provide targeted early prevention and intervention to meet the needs of children and young people, (Appendix C to the report referred). He welcomed this approach. He noted that Maesteg Comprehensive School was one of the highest schools in the County when it came to free school meals for pupils, and with regard to this, he asked if the formula for tracking was consistent and applied the same for all such schools situate within the County Borough.

CABINET COMMITTEE CORPORATE PARENTING - WEDNESDAY, 19 OCTOBER 2016

The Group Manager School Improvement confirmed that the tracking applied was the same in terms of consistently being applied across all BCB's secondary schools. The database used for this was known as SIM's, and this accounted for the support of children who were recognised as vulnerable or with other needs.

RESOLVED: That the Corporate Parenting Cabinet Committee considered and noted the report.

142. URGENT ITEMS

None

The meeting closed at 4.31 pm

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET COMMITTEE CORPORATE PARENTING

18 JANUARY 2017

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

CHILDREN'S SOCIAL CARE COMMISSIONING

1 Purpose of Report

- 1.1 The purpose of this report is to provide Corporate Parenting Committee with an overview of Children's Social Care commissioning arrangements, and highlight developments that have been made in response to the directorate restructure, and implementation of the Social Services and Wellbeing (Wales) Act 2014.

2 Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 The report links to the following improvement priorities in the Corporate Plan:-

- Helping people to be more self-reliant;
- Smarter use of resources.

- 2.2 Plus the following local strategic priorities:-

- The Remodelling Children's Services programme;
- The Council's Medium Term Financial Strategy (MTFS)

3 Background

- 3.1 In June 2016, a report was presented to Children and Young People Overview and Scrutiny Committee, providing an update on the context, focus and structure of Children's Social Care, the achievements, and priorities/areas for development for the year 2016/17, which highlighted:

- The work undertaken with the Assessment Team to agree a model for the Information, Advice and Assistance Service, which will become an integral part of Bridgend's Multi Agency Safeguarding Hub (MASH) once established
- Two of the safeguarding hubs are now located in the communities they provide services to, who are co-located with the early help and intervention teams; making them more accessible to children, young people and families and the professionals involved in case management and service delivery
- The Directorate's Business Plan 2016/17, which reflects the new corporate priorities, and also the requirements of the Social Services and Wellbeing (Wales) Act 2014
- The establishment of a Remodelling Board, which oversees the planning and implementation of new models of service delivery, highlighting that there are four programmes that report into Children's Social Care Remodelling Board:
 - Children with Disabilities Transformation;
 - Remodelling Residential Placements and Services;

- Early Help and Permanence; and
- Multi Agency Safeguarding Hub (MASH)

- 3.2 In addition to these developments, the Commissioning Team also now oversees commissioning activity across both Adult Social Care and Children’s Social Care, where historically the team oversaw commissioning within Adult Social Care only.
- 3.3 In order to be able to respond effectively to the additional demands and requirements across the directorate as a whole, the team has been reviewed and restructured, and additional resource has been made available in the form of a ‘Strategic Planning and Commissioning Officer’, and a ‘Commissioning and Contracting Officer’.
- 3.4 In November 2016, the Social Services and Wellbeing Directorate were also able to successfully recruit into the role of ‘Group Manager – Commissioning, Contracts and Contract Management’, who would be responsible for the Commissioning Team in overseeing commissioning activity across the directorate.

4 Current situation

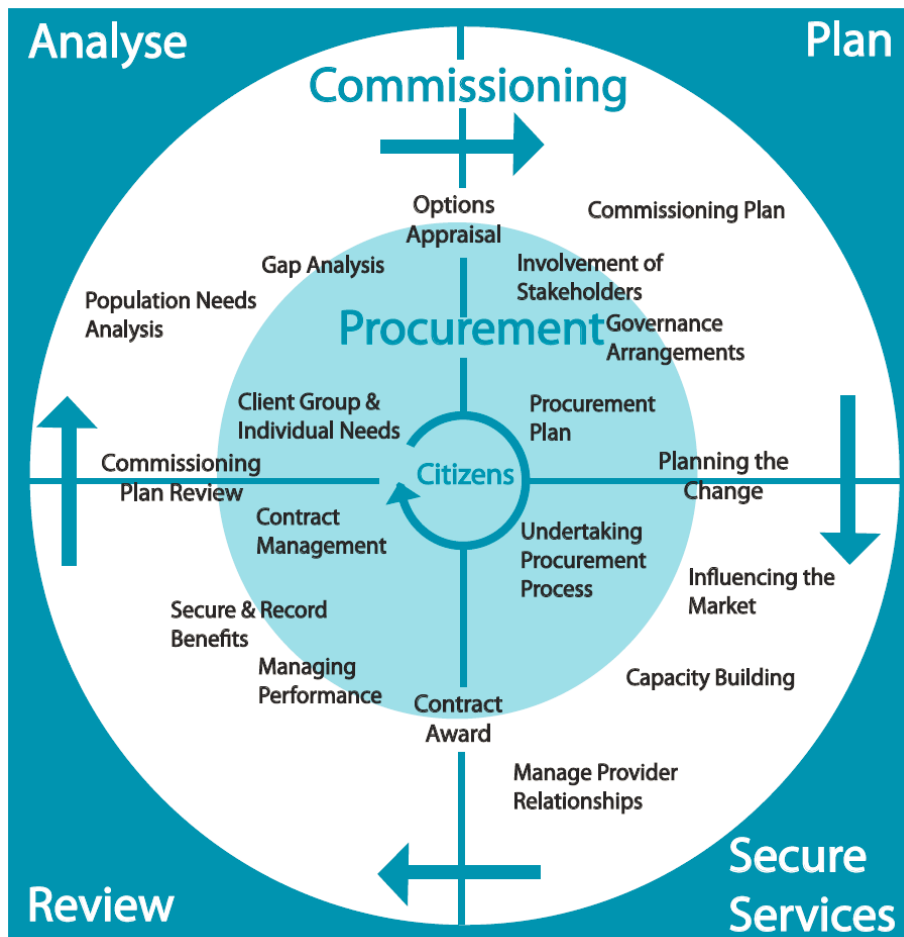
- 4.1 In keeping with the remodelling plans and the requirements of the Act, the Social Services and Wellbeing Directorate are responsible for commissioning a range of support and services that are outcome-focused, responsive, timely, and proportionate to need.

a. Commissioning approach

- 4.2 It is recognised that there are a number of alternative definitions of commissioning. The Commissioning Team within the directorate have adopted Welsh Government’s definition, taken from Welsh Government’s (WG) ‘Commissioning Framework Guidance and Good Practice – Fulfilled Lives, Supportive Communities’:

‘Social care commissioning is a set of activities by which local authorities & partners ensure that services are planned and organised to best meet the social care outcomes required by their citizens. It involves understanding the population need, best practice and local resources and using these to plan, implement and review changes in services. It requires a whole system perspective and applies to services provided by local authorities, as well as public, private and third sector services.’

- 4.3 This is often referred to as the ‘commissioning cycle’, and this is the process that is followed across the directorate when commissioning and procuring any services. The main tasks and activities that are undertaken are shown in the diagram below, taken from Welsh Government (WG)’s guidance, which was developed originally by the Institute of Public Care at Oxford Brookes University:



4.4 Even though the process is cyclical in nature, once the scope of the commissioning activity has been agreed, it is recognised that ‘Analyse’ is the first stage of any commissioning exercise, which includes the key activities and requirements below:

- An agreed ‘vision’
- Identified links to other plans and strategies
- Population Assessments
- Gap analysis

The ‘vision’

4.5 During the summer of 2016, the Senior Management Team and the Extended Managers Group from Children’s Social Care commenced work to develop and agree the content of a document entitled: *Vision into Action: 2016 – 2017: ‘Together - delivering better outcomes for children/young people & their families’*.

4.6 The purpose is to have a single clear vision in place for Children’s Social Care, against which all future plans and strategies can be linked, supported by ambitions and behaviours which help guide how services deliver the change agenda. The document was consulted upon with wider staff teams and stakeholders, and the final vision that was agreed in December 2016 is shown below:

Vision into Action: 2016–2017 ‘Together enabling better outcomes for children, young people and their families via responsive and timely services which support them to live together, work on difficulties and be safe’

Links to other strategic plans

- 4.7 A key strategy which will have a significant influence on any future commissioning activity and commissioning plan within Children's Social Care is the Early Help and Permanence Strategy and Action Plan, which has been developed alongside colleagues within the Education and Family Support Directorate.
- 4.8 A draft version of the Early Help and Permanence Strategy & Action Plan was presented to Children and Young People Overview and Scrutiny Committee in October 2016, and the strategy & plan are in the process of being finalised.

Population Assessment

- 4.9 Under the new Act, local authorities (and health) must carry out and publish a Population Assessment. This assessment is intended to give organisations, services, individuals and communities an understanding of where there are 'gaps' in care and support provided by public services, and what could be put in place to address these care and support needs.
- 4.10 The Population Assessment is made up of a number of sub-assessments, the below of which cover all age ranges, including children and young people:
- Learning Disabilities/Autism
 - Sensory Impairment
 - Secure Estate
 - Carers
 - Gender Based Violence/Domestic Abuse and Sexual Violence
 - Health/Physical Disability
 - Mental Health

There is also an assessment category entitled 'Children and Young People', which can be used to capture any further information or population need not covered by the categories highlighted above.

- 4.11 The Population Assessment is therefore an essential piece of work in informing any future commissioning activity, and are also critical in the development of any future commissioning plan for Children's Social Care.
- 4.12 Within BCBC, the sub-assessments have been completed, and the final Population Assessment will be agreed and published by April 2017, in accordance with WG's timescales.

Gap analysis

- 4.13 A key output from the various groups and projects that report into Remodelling Children's Social Care programme is the mapping and understanding of existing provision compared to needs within pertinent areas. This information will then be cross-referenced against the findings from the Population Assessments, and used to help inform any further commissioning activity in going forward.

b. Commissioning Plan

- 4.14 The vision document referred to in paragraph 4.5 forms the basis of the Commissioning Plan for Children's Social Care, which will be further developed and enhanced based upon the findings from the Population Assessment, which is to be finalised and published in April 2017.
- 4.15 The Commissioning Plan for Children's Social Care will be consistent with the commissioning plan already in place within Adult Social Care, entitled 'Living Independently in Bridgend in the 21st Century', which has been developed in line with WG's Commissioning Framework Guidance and Good Practice.
- 4.16 It should be noted that the legislation contained within the Commissioning Framework Guidance and Good Practice has been superseded by the new Act, and the new Public Contracts Regulations 2015. Therefore, should any updated guidance or good practice be made available by WG (or any other appropriate body) in response to these changes in legislation, then any future commissioning plan(s) and activity will be developed and undertaken in accordance with the most up-to-date guidance and documentation available.
- 4.17 It is BCBC's intention to hold a consultation event to help inform the development of the Commissioning Plan for Children's Social Care, where we will seek the views of all key stakeholders, including children and young people, and their families/carers.

c. Placements and contract management

- 4.18 Services and placements are currently commissioned via a range of national, regional and local frameworks and arrangements; including the 4 C's Framework, which is a national framework whose purpose is to support local authorities to find appropriate placements/care settings for looked after children in Wales.
- 4.19 Placements are currently made via the Placement Coordination & Commissioning team, who are located within the Children's Regulated Services section of the directorate. In moving forward, officers are reviewing existing arrangements, to establish potential options for further integration between this team and the Commissioning Team, in order to help ensure greater consistency of approach and knowledge sharing across Adult's and Children's services.
- 4.20 Contract monitoring arrangements are in place, with contract reviews being undertaken on an annual basis, in order to ensure; contract compliance, the effective measurement of providers' performance against defined outcomes within contracts/SLA's, and ensuring value-for-money in times of increasing austerity.

d. Partnership working

- 4.21 Officers are looking to build on the current relationship BCBC has with Bridgend Association of Voluntary Organisations (BAVO), by strengthening arrangements with children's services providers, with BAVO looking to set-up a Children and Young People forum and partnership. Early engagement has already taken place between BCBC and BAVO, and officers will be closely involved in helping to establish the Terms of Reference for this partnership in moving forward.

- 4.22 There is a strong emphasis on collaboration in the form of regional commissioning across the Western Bay area. A prime example within Children's Social Care is the work being undertaken looking at advocacy services for children and young people across the Western Bay region. Officers and senior managers from each authority are working closely together to establish a regional service and specification, which will be delivered in accordance with the requirements of the new Act and Welsh Government guidance.
- 4.23 In response to the requirements of the Act, a Regional (Western Bay) Safeguarding Children Board has also been established, whose objective is to protect children who are experiencing, or at risk of abuse, neglect or other kinds of harm, and to prevent them becoming at risk of abuse, neglect or other kinds of harm. The sub-groups of the Safeguarding Children Board are:
- Quality, Performance and Monitoring Group
 - Policy and Practice Management Group
 - Child Practice Review Group
 - Strategic Training Management Group (joint with Adult Safeguarding Board)
- 4.24 Commissioning officers from BCBC are part of a 'South Wales Commissioner's Group' that has been established in response to the new Act, and also common strategic drivers. The purpose of the group is to; problem-solve and act as 'critical friends', share best practice, and identify any potential options for commissioning children's services on a wider, more collaborative basis, in addition to the national framework already utilised by BCBC via the 4 C's Framework, which is used to help find appropriate placements and care settings for looked after children.
- 4.25 A Healthy Living Partnership Programme has also been established, which has a focus on increasing levels of physical activity, including those who are from under-represented groups. As part of this partnership programme, looked after children are being supported with free membership to leisure facilities, and a similar initiative is also being developed for young carers, in partnership with 'Action for Children'.
- 4.26 There are established close-working arrangements in place with the independent sector in the form of the Domiciliary Care Forum. At these quarterly meetings, providers, commissioners, and wider partners & stakeholders (such as Health and the Care and Social Services Inspectorate, Wales (CSSIW)) are able to come together to; raise any sector-wide issues or concerns for the group to consider, identify and share best practice, and acts as a vehicle to engage and consult with the sector on any impending legislative or strategic changes.
- 4.27 The early involvement of stakeholders and also receiving the opinions of individuals and their families/carers are vital in ensuring you have the right services in place which are based on needs, which is a fundamental principle of effective commissioning.
- 4.28 An example of where this has been carried out in Children's Social Care is the remodelling of overnight short breaks services for disabled children. Early engagement sessions took place with pertinent staff and stakeholders, which helped to inform the development of an options appraisal for the service in moving forward. Targeted consultation sessions and activities were then carried out, to ensure everyone affected (including those who may use the service in the future)

had an opportunity to co-produce and help shape the model in moving forward. Those consulted included:

- children and young people receiving the service;
- their families/carers;
- families known to the Disabled Children's Team;
- the service staff team;
- Disabled Children's Team staff; and
- other pertinent stakeholders, including health colleagues

4.29 The directorate is committed to working closely with partners, stakeholders, families/carers and individuals to help shape future commissioning plans, and to help inform service delivery options in moving forward.

5 Effect upon Policy Framework and Procedure Rules

5.1 This is an overview report, and therefore there is no impact on the policy framework and procedure rules.

6 Equality Impact Assessments

6.1 This is an overview report, and therefore an EIA is not required.

7 Financial Implications

7.1 This is an overview report, and therefore there are no financial implications.

7.2 However, it should be noted that effective commissioning will play a key role in helping Children's Social Care deliver against its remodelling plans, in order to meet the requirements of the Medium Term Financial Strategy.

8 Recommendation

8.1 It is recommended that Corporate Parenting Committee notes the contents of this overview report, and provides comment on any aspect(s) as appropriate.

Susan Cooper
Corporate Director – Social Services and Wellbeing
December 2016

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10 Background documents

- 16 June 2016 – Report to Children and Young People Overview and Scrutiny Committee – Children's Social Care Overview

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET COMMITTEE CORPORATE PARENTING

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

18 JANUARY 2017

SECURE ESTATE

1. Purpose of Report

- 1.1 To inform the Cabinet Committee of the Local Authority's responsibility in respect of the secure estate following the implementation of the Social Services and Wellbeing (Wales) Act in April 2016.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 The report links to the following priority in the Corporate Plan:

- Helping people to be more self-reliant.

3. Background

- 3.1 The Social Services and Wellbeing (Wales) Act came into effect on 6th April 2016; and accordingly changed the local authority's responsibilities for people in prison. From April 2016, local authorities are responsible for addressing and meeting the care and support needs of all adults and children in the secure estate not just upon discharge but while they are in custody. This is a significant change and additional responsibility for the Local Authority as the Act applies equally to those in the secure estate as for those individuals in the community.

- 3.2 Bridgend County Borough Council has within its boundary, HMP and YOI Parc, which is a Category B Prison with capacity for 2000 male prisoners, the majority being adult offenders. The prison opened in November 1997 and is the only private prison in Wales and is managed by G4S on behalf of the Prison Service. Parc's main population provides Category B and Category C prisoner accommodation for those serving in excess of 18 month sentences. There are two main sections to HMP and YOI Parc:

- Young Persons Unit – for males 15-17years
- Main Prison – for Young Offenders aged 18 to 21 years and Adult Offenders.

The Young Persons Unit accommodates up to 64 young males aged from 15 – 17 years of age.

- 3.3 The young people at HMP & YOI Parc are accommodated on one of two units, Echo 1 and Golf 1. They generally come together each day in small groups for Education (25 hours each week) and some other activities. Each evening there is a period of association before the young people are returned to their rooms for the night.

- 3.4 The unit was initially opened in response to the Youth Justice Board's (YJB) desire to accommodate Welsh young offenders closer to their own homes but accepts young people from across the secure estate. The unit adopts a holistic approach to the effective rehabilitation and resettlement of young people.
- 3.5 The responsibilities of the Children's Services department towards children in Wales are contained in the Social Services and Well-being (Wales) Act 2014 which was implemented on 6 April 2016. There are various parts of the Act that make specific reference to children and young people in the youth justice system. Part 4 of the Act sets out how needs should be met in the care planning process; Part 6 of the Act sets out the functions in relation to looked after and accommodated children; children placed in secure accommodation, care leavers in the youth justice system, children detained in, or remanded to the secure estate and Part 11 contains miscellaneous and general provisions relating to children with care and support needs in youth detention accommodation, prison, approved premises and bail accommodation.
- 3.6 The responsibilities of the Youth Offending Team (YOT) are defined by the Crime and Disorder Act 1998, the Youth Justice and Criminal Evidence Act 1999, the Powers of the Criminal Courts (Sentencing) Act 2000, the Criminal Justice and Police Act 2001, the Criminal Justice and Immigration Act 2008 and the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012. The principle aim of the youth justice system is the prevention of offending and re-offending by children and young people.

4. Current situation

- 4.1 In the period since the implementation of the Social Services and Wellbeing Act (Wales) 2014 on the 6th April 2016 and 30th September 2016 there have been 100 Young People admitted to the young person's unit, 51 from Welsh Local Authority Areas and 49 from English Local Authority Areas. 1 young person from Bridgend was remanded in custody and placed in HMP YOI Parc during this period whilst another Bridgend young person was already in custody having been remanded in February 2016.

Admissions from Welsh Local Authority Area's 06/04/16 – 30/09/16

| | |
|-------------------------|----|
| Section 31 (Care Order) | 4 |
| Category 2 Child* | 10 |
| Remand | 22 |
| C&S Needs | 5 |
| No LAC Status/C&S Plans | 10 |
| | 51 |

*A category 2 child means a child who (a)is aged 16 or 17, (b)is not being looked after by a local authority or a local authority in England, and (c)immediately before ceasing to be looked after, was a category 1 young person (s104 SSWBA 2014).

Admissions from English Local Authority Area’s 06/04/16 – 30/09/16

| | |
|-------------------------|----|
| Section 31 (Care Order) | 3 |
| Relevant * | 7 |
| Remand | 27 |
| No LAC Status/C&S Needs | 12 |
| | 49 |

*A ‘relevant child’ is a child who is not being looked after by any local authority, but was, before last ceasing to be looked after, an eligible child, and is aged 16 or 17. Leaving Care Act.

- 4.2 There are a number of trigger points where care and support needs could be identified and assessed when a young person arrives in custody. For example, once in custody, YOTs and secure estate staff are responsible for holding a joint planning meeting within 10 days of the custodial sentence being imposed (National Standard for Youth Justice Services 9.16) and for developing a plan for the period of time the young person is in custody.
- 4.4 A ‘Sentence Plan’ should include whether the young person has ongoing ‘care and support needs’. This plan is created when a young person has received a custodial sentence by the court and is a plan as to how the young person’s needs will be met during his/her period of incarceration (including health, education behavior/emotional needs). The YOT officer and the prison must hold and jointly chair an initial planning meeting to agree the sentence plan within 10 days of the custodial sentence being imposed. All assessment information held by the YOT is accessible and shared with relevant staff in the establishment. Similarly for remanded young people a ‘Remand Management Plan’. The YOT supervising officer and any other relevant professionals must be invited to this meeting, it provides an opportunity to identify care and support needs. It focuses on the pre-sentence detention of the young person, court appearance dates, opportunities for bail application, preparation of the pre-sentence report as well as contact with family and their day to day needs should be drafted. The timescales for developing a ‘Remand Plan’ is 5 working days. Alongside this, there is also a Looked After Children (LAC) planning process requiring an initial LAC meeting to be held within 20 working days in order to review the Initial Detention and Placement Plan. This is a plan held within the prison to meet the immediate needs of the young person.
- 4.5 All young people remanded into custody become Looked After under the provisions of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 and the Care Planning process should commence immediately when they arrive in custody. However, unless the young person’s Looked After status is derived from a Care Order under section 31 Children Act 1989, their Looked After status does not necessarily continue after a young person has been sentenced. For example young

people in voluntary accommodation (under Section 76 of the Social Services and Well-being (Wales) Act 2014) cease to be Looked After following any conviction for which they are detained in youth detention accommodation, in prison, or are required to reside in approved premises. However, their Looked After status remains during any period in which they are being held on remand. But at the same time, Section 15 of the Children and Young Persons Act 2008 imposes a duty on the Local Authority requiring it to undertake an assessment of their needs within 10 working days of their entering custody. Finally, if a young person falls into one of the categories contained in Section 104 of the Social Services and Well-being (Wales) Act 2014 they remain entitled to support and services as a care leaver. Section 104(2) contains a description of the six different categories. Each category is entitled to differing types or levels of support.

- 4.6 All looked after young people must be seen by their allocated social worker within 10 working days of arrival at HMP & YOI Parc. When a looked after young person arrives at HMP & YOI Parc, the allocated social worker will be contacted immediately in order to establish any concerns and to arrange an initial visit. The young person's Independent Reviewing Officer (IRO) should also be contacted to confirm that they are in custody and a LAC Review should be arranged to take place within 20 working days of the young person's arrival at HMP & YOI Parc.
- 4.7 The responsibilities of Local Authorities in respect of the care and support of children in the secure estate depends on previous involvement of social services, the ordinary residence of the child and where they are detained.
- 4.8 Legislation sets out which Local Authority is responsible for meeting the care and support needs of a child in the secure estate. Bridgend has duties towards its own children to assess and meet needs and has duties towards another group of children by virtue of the fact that they are detained in the secure estate located within the authority, i.e. the Youth offending Institution (YOI) Parc Prison.
- 4.9 BCBC is responsible for carrying out an assessment where there appears to be care and support needs and for meeting the care and support needs of the following:
- All children detained in the YOI at Parc Prison who are migrants or who have no ordinary residence.
 - Children who are ordinarily resident in BCBC, who are detained in Parc prison whether or not there was previous involvement from social services.
 - All children detained in the secure estate in England (or Wales) who were looked after by BCBC previously to being detained.
 - All children ordinarily resident in England who were not known to social services or previously known to social services prior to being detained.
 - Joint responsibility with the English local authorities for those children ordinary resident in BCBC detained in England but not known to social services to being detained.
- 4.10 All 100 young people remanded and sentenced to HMP&YOI Parc during this period were the subject of either a Sentence or a Remand plan whilst 5 young people from Welsh Home Local Authority Areas were the subject of Care and Support Plans.

- 4.11 Effective links have been made with the Western Bay Safeguarding Children's Board for the monitoring and assurance that children placed within Parc are receiving services in accordance with the requirements of the Act. The quality and performance management sub-group of the Safeguarding Children Board receives statistics prior to the full board meeting on all those young people, usually resident in the Western Bay area, to ensure that requirements under the Act are being met locally.

Next Steps

- 4.12 The Youth Justice Board, Welsh Government and Local Authority are working together to develop a protocol to ensure that staff in youth offending teams and children's services work together effectively in meeting their responsibilities towards children and young people. The protocol will be shared with HMP YOI Parc Werrington YOI and Hillside Secure Children's Home.
- 4.13 The protocol seeks to define roles and responsibilities, provide guidance to staff and set out joint planning processes. In addition to this, the YJB, together with Local Authorities and Welsh Government are developing a Memorandum of Understanding which is an agreement between Local Authority and secure estate including information sharing as opposed to the local arrangements agreed in the protocol in line with the requirements of the Act.

5. Effect upon Policy Framework and Procedure Rules

- 5.1 There is no effect on the policy framework and procedure rules.

6. Equality Impact Assessment

- 6.1 When officers are in a better position to know the full effect of the proposed new model, an EIA screening (and a full EIA if necessary) will be undertaken, to assess the potential impact on service users and staff.

7. Financial Implications

- 7.1 There will potentially be financial implications arising directly from this report when the protocol described in paragraphs above is finalised. At the present time the duties of the local authority are being discharged within existing resource.
- 7.2 Welsh Government has made available a grant of £236,774 in relation to the secure estate. This grant will be utilised in relation to children if the need is identified as outlined above.

8. Recommendation.

- 8.1 The Cabinet Committee is requested to note the content of this report.

Susan Cooper,
Corporate Director Social Services and Wellbeing
December 2016

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10. Background documents:

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET COMMITTEE CORPORATE PARENTING

18 JANUARY 2017

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

INVESTIGATION REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

1. Purpose of Report.

- 1.1 To share with the Committee an investigation report issued by the Public Services Ombudsman's office regarding a complaint and found maladministration by the Council.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 The report links to the following Corporate Priority:
- Helping people to be more self-reliant.

3. Background

- 3.1 The Public Services Ombudsman for Wales has investigated a complaint against the Council and issued a report (attached as **Appendix A**) in accordance with Section 16 of the Public Services Ombudsman (Wales) Act 2005 as it has determined that the case raises important issues at local, regional and national levels about looked after children and their savings.

- 3.2 Mr N was a looked after child with Bridgend County Borough Council and was placed with his foster carers when he was a toddler. Mr N was a fully integrated member of the family, enjoying 14 successful years in placement. The placement broke down in 2014 and Mr N subsequently approached the Council to obtain further information about savings that his foster parents had made on his behalf. Mr N complained that:

- the Council had not managed his savings properly and in accordance with its policy;
- some of his savings were used, without consultation with him, to pay for trips for which he should have received a special allowance;
- the savings he received in January 2015 were substantially less than he believed they should have been.

- 3.3 In accordance with Section 17 of the Public Services Ombudsman (Wales) Act 2005, the Council published a copy of the report and made it available for inspection at its offices for a period of 3 weeks from 6th December 2016.

4. Current situation.

- 4.1 The Council has acknowledged the report and accepted all of the Ombudsman's recommendations with the exception of recommendation (b) – to make a payment

to Mr N of £3,310 to reimburse him for savings that had not been made for him during his time in foster care. The Council's position is that Mr N has not suffered injustice or hardship in consequence of this matter. Mr N was provided with the remainder of his savings and the interest accrued. Mr N had been on annual holidays with his foster care family, he had been supported to join the local rugby team and go on rugby tour, which his foster carer also had to attend to enable him to go. Mr N enjoyed attending Cardiff City football matches for which he had a season ticket and had travelled on activity and school trips throughout his time in foster care. In the one year which is referred to, Mr N went on rugby tour, attended the Local Authority Selium (outward bound activities) trip, a school trip and also the family holiday.

- 4.2 The Council takes its role and responsibilities as a corporate parent for looked after children extremely seriously, however, there is currently no legal requirement or national policy or guidance in place regarding savings for looked after children, aside from the establishment of a junior ISA and, therefore, the Council cannot enforce the need for foster carers to provide savings for looked after children and indeed could not terminate their services as a foster carer if they chose not to save for their looked after child. Bridgend foster carers are encouraged to save for looked after children for whom they provide care. Foster carers participate in regular supervision with allocated supervising social workers and must account for the expenditure of the basic allowance provided.
- 4.3 The Council has ascertained from other local authorities that there is no mandatory savings policy in place, all foster carers are merely encouraged to either save themselves on behalf of children or encourage children from whom they provide care to save themselves. The Welsh Government 'National Minimum Maintenance Allowances for Foster Carers 2014-2017' makes no mention of pocket money or the amount to be set aside in saving. Furthermore, the National Fostering Network which works in partnership with Welsh Government and which is the charity considered to be the essential network for foster care does not have a policy or expectation in place in respect of savings.
- 4.4 BCBC has raised the issue of savings for Looked After Children (LAC) in a variety of arenas; Welsh Government, South Wales Fostering Managers meeting, Fostering Network and with leads for the National Fostering Framework.
- 4.5 Feedback received from the South Wales Fostering Managers meeting included:
- Nationally it is acknowledged that there is no set policy in place in respect of savings, this is primarily due to Local Authorities being unclear as to what redress they would have if foster carers were not to save;
 - Local Authorities would welcome some national guidance but noted that we would need to be very cautious in terms of a national shortage of foster carers, reducing budgets and the economic climate in terms of requesting foster carers to provide savings as well;
 - The challenge of monitoring, overseeing and transferring of funds bearing in mind financial regulations for an often transient group of children;
 - Local Authorities acknowledged that this was something that could be reviewed alongside the work already commissioned under the auspices of the National Fostering Framework to "harmonise policies for paying fees and allowances to foster carers".

- 4.6 Feedback received from the Fostering Network resulted in them offering to assist in advocating for or pursuing any outcomes/actions of the above on behalf of Local Authorities to Welsh Government.
- 4.7 BCBC staff will also raise the issue of savings and the Council's corporate parenting role for discussion in light of the current climate of austerity, with many working parents and families unable to save for their own children. This will be raised through another work stream of the National Fostering Framework :-
'Benchmarking best practice in Corporate Parenting across Councils and other public services, to improve outcomes for children and increase the resilience of foster placements'.
- 4.8 The Ombudsman recommended that the report be shared with the Corporate Parenting Committee and that the Committee should consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money. In doing so, the Council should have regard to the following: its duty to act as a corporate parent to give LAC the best possible start in life and other local authority schemes.
- 4.9 The Council takes all complaints very seriously and has recognised that actions need to be taken as a result of the report and will carry out all of the recommendations (with the exception of b) within the timescales proposed by the Ombudsman. An action plan is attached as **Appendix B**.

5. Effect upon Policy Framework and Procedure Rules.

- 5.1 It is anticipated that Welsh Government will work with Local Authorities to provide a National position with regards to savings for looked after children. This would also be in line with Welsh Government being responsible for and setting National Minimum fostering allowances that Local Authorities must adhere to. BCBC local policies will be amended accordingly.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications.

- 7.1 The Council has provided a £250 cheque to Mr N in compensation for the way his complaint was handled as recommended by the Ombudsman.

8. Recommendation.

- 8.1 It is recommended that the Committee:
- Note the Ombudsman's report attached as Appendix A;
 - Consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money;
 - Endorse the Action Plan attached as Appendix B;

- Support Officers in raising and pursuing the issue of savings for looked after children with the Fostering Network, within the work streams of the National Fostering Framework and with Welsh Government;
- Authorise the Chair of the Committee to provide the Ombudsman's Office with details of any actions the Committee intends to take as a result of this case.

Susan Cooper
Director of Social Services & Wellbeing
December 2016

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Background documents

None.

The investigation of a complaint
by Mr N
against Bridgend County Borough Council

A report by the
Public Services Ombudsman for Wales
Case: 201503185

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Introduction

This report is issued under section 16 of the Public Services Ombudsman (Wales) Act 2005.

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainant as Mr N.

Summary

Mr N was a looked after child with Bridgend County Borough Council (“the Council”) and placed with his former foster carers Mr and Mrs A when he was a toddler. The placement lasted many years but broke down in 2014. Mr N subsequently approached the Council to obtain further information about savings that Mr and Mrs A had made on his behalf. Mr N complained that:

- the Council had not managed his savings properly and in accordance with its policy.
- some of his savings were used, without consultation with him, to pay for trips for which he should have received a special allowance.
- the savings he received in January 2015 were substantially less than he believed they should have been.

My investigation related to the actions of the Council and not the foster carers. I found evidence that the Council was inconsistent and contradictory in the way it applied its internal guidance for foster carers in its Fostering Handbook. Some of its guidance it enforced whilst others, like saving for looked after children, it did not. This was despite regulatory guidance that foster carers are expected, amongst other matters, to operate within the guidance set out in the Fostering Handbook.

As a corporate parent for a looked after child, a council has a duty to ensure that there is adequate oversight and monitoring of savings that are made on behalf of the looked after child/ren (“LAC”). However, in Mr N’s case I found the Council’s monitoring of his savings both intermittent and inadequate. I concluded that these administrative failings amounted to maladministration and **upheld** this aspect of Mr N’s complaint.

The Council was unable to provide evidence to show that Mr N was consulted or agreed to the use of his savings to pay for two trips which cost in total £1100. The Council agreed to fund one of the trips at a LAC review meeting in 2014, but later changed its view without notifying the Chair of the review meeting. Once again I found evidence of maladministration and **upheld** this element of Mr N’s complaint.

In relation to the third element of Mr N's complaint, as the Council had failed to keep adequate records or retain his saving books at the end of his fostering placement, it was unclear why Mr N's savings were as low as they were. I determined that the failings that led to this position amounted to maladministration and **upheld** this aspect of Mr N's complaint.

I reached the view that as a result of the Council's maladministration, it could not properly account to Mr N for his savings which caused him an injustice. I calculated a figure for appropriate recompense for Mr N. The Council challenged the figure arrived at, on the grounds that Mr N would have agreed other expenditure from his savings, without evidence that this was the case. I have been minded therefore to give the benefit of the doubt to Mr N, the more vulnerable party.

Mr N's case raises important issues about LAC and their savings at a local, regional and national level. It is therefore my intention to share my report with Welsh Government.

I have made the following recommendations:

- (a) The Council's Chief Executive should apologise in writing to Mr N.
- (b) The Council should make a payment to Mr N of £3,310.
- (c) The Council should make a payment to Mr N of £250 to reflect shortcomings in complaint handling.
- (d) The Council should review this case from a complaint handling perspective and share with my office any lessons learned.
- (e) The Council should share a copy of my report with its Corporate Parent Cabinet Committee and its Chair should provide my office with details of any actions this Committee intends to take as a result of this case.

- (f) The Corporate Parent Cabinet Committee should consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money. In doing so, the Council should have regard to the following: its duty to act as a corporate parent to give LAC the best possible start in life and other local authority saving schemes.
- (g) The Council should provide my office with its proposals and action plan for reviewing cases of a LAC, who like Mr N, may be similarly affected in this regard.
- (h) The Council should review its current arrangements/requirements in respect of savings and expenditure and the checking, retention and passing on of savings records at the end of a placement with a view to introducing clearer guidance/requirements.
- (i) In collaboration with the Care and Social Services Inspectorate Wales the Council should revise its foster carer agreement to ensure that it is compliant with the requirements of Schedule 5 to the Fostering Services (Wales) Regulations 2003.

The Council agreed to implement all of the recommendations with the exception of recommendation (b), the payment to Mr N. It was prepared to reimburse Mr N for the two trips which were funded from his savings.

It is very disappointing that the Council has to date refused to accept my recommendations in full. If the Council maintains this position and fails to comply with recommendation (b) in full within two months of my report (i.e. by 21 January 2017), I will have to consider whether to issue a further special report against the Council under s22 of the Public Services Ombudsman (Wales) Act 2005. Should this continue to be the decision of the Council following the Corporate Parent Cabinet Committee's consideration of my report, in view of the seriousness of a s22 special report, I have recommended that my report is also shared with all of the elected members of the Council.

The complaint

1. Mr N was seven months old when Bridgend County Borough Council (“the Council”) became legally responsible for his care as a looked after child. Mr N was aged two when he and his brother were placed with his former foster carers Mr and Mrs A. His placement with them lasted many years but unfortunately broke down in 2014. Some months later Mr N approached the Council to obtain clarity about the savings that Mr and Mrs A had made on his behalf. Mr N was dissatisfied with the Council’s subsequent explanations.

2. Mr N has complained to me that:

- the Council did not manage properly, and in accordance with its own policy, the monetary savings made for him when he lived with Mr and Mrs A.
- some of the savings were used, without consultation with him, to pay for trips for which he should have received a special allowance.
- the £270 savings he received in January 2015 were substantially less than he believed they should have been.

Investigation

3. By way of background to this investigation, when Mr N first approached my office the Council was asked to write to Mr N to clarify the position concerning his savings. Having received the Council’s response Mr N approached my office again. An early settlement, concerning payment for the two trips, was initially explored with the Council. However, this was withdrawn and the case put forward for investigation. This was due to concerns that the potential failings went further than the decisions on funding the two trips.

4. The subsequent investigation has focused on the Council’s management of Mr N’s savings. It has not been an investigation into his former foster carers and any references to them have been for the sole purpose of examining the Council’s actions in the context of the complaint.

5. To assist me, comments and copies of relevant documents were obtained from the Council. My investigating officer visited the Council and reviewed its electronic records. The Council also provided its further comments at a meeting with my officers. Pertinent documentation was considered in conjunction with the evidence provided by Mr N. Advice was also obtained from my Professional Adviser, Cheryl Beach, a registered Social Worker with extensive experience in children's services. Whilst my report does not include every detail investigated I am satisfied that nothing of significance has been overlooked.

6. During this investigation, I have had regard to the legislation which sets out my powers and the restrictions that apply. This requires me to consider whether a public body, such as a council, which has acted incompetently or improperly (in other words maladministratively), has caused a complainant personal injustice. In the area of health and social care I can consider how professionals have exercised their professional judgement.

7. To help public bodies in my jurisdiction deliver better services both my predecessor and I have issued guidance on what constitutes good administration and record keeping.¹ A failure by a public body to act in accordance with its own internal guidance may, in certain instances, amount to maladministration.

8. Both Mr N and the Council were given the opportunity to see and comment on a draft of my report before the final version was issued.

Relevant legislation

Corporate Parent

9. Councils are under a statutory duty to act as a corporate parent for each of their looked after children.² Corporate parenting involves being a good parent to the looked after child/ren ("LAC") and acting in a way that any good parent would to ensure everything is done to give that

¹ Principles of Good Administration, Public Services Ombudsman for Wales, 2008 updated in February 2016.

² The Children Act 1989 as amended.

child the best possible start in life. Everyone in a council, including officers, is expected to be a good corporate parent to their LAC. There is national guidance³ on a corporate parent's key responsibilities.

Fostering Handbook

10. There is a statutory⁴ requirement for fostering service providers to produce a written guide about their fostering service. This guide, which is commonly known as the fostering handbook, must in addition to any internal guidance include a summary of existing policy and procedure. National guidance exists on minimum standards applicable to fostering services ("the Minimum Standards").⁵ Areas that these cover include the monitoring of fostering activities and consulting the LAC on all issues likely to affect their daily life and future. Foster carers are expected to operate within **all** (my emphasis) the standards, policies and guidance agreed by the fostering service.⁶

11. The Council's Fostering Handbook ("Handbook") contains guidance to foster carers ("FCs") that they "should" open a bank account for their foster children and save on their behalf. Although the Handbook directs FCs to a section that should specify the amount to be saved from the fostering allowance this figure has been omitted. The Handbook also notes that some or all of the child's allocated pocket money can be saved in their savings account.

Payments and Supervision

12. The Council pays FCs a weekly allowance that covers the cost of caring for a LAC. Until March 2014, it provided extra allowances for clothing, birthdays, Christmas and holidays for the LAC. There was also provision for the Council, on a one off basis, to fund a "once in a school lifetime" school trip if certain criteria were met. The Handbook stated that FCs needed to show how these extra allowances had been spent.

³ If this was my Child, Welsh Government, 2005 updated in 2009.

⁴ Fostering Services (Wales) Regulations, 2003.

⁵ The National Minimum Standards for Fostering Services, Welsh Government, 2003.

⁶ Standard 22.3.

There was provision for the extra holiday allowances to be saved for older LAC who did not wish to go on holiday with their FCs.

13. Fostering service providers have to arrange for a supervising social worker to make regular visits to a FC. In the Council a record of each visit was documented on a supervision visit proforma (“the Proforma”).

14. There were specific sections on the Proforma relating to the extra allowances. The questions related to what had been spent; what the arrangements for spending these allowances were; and whether the carers had any proof of expenditure, for example receipts. The Proforma also contained a fostering allowance and savings section. This dealt with the fostering allowance expenditure; requested information about the savings plan for the LAC and whether it was based on the guidelines set out in the Handbook; and referred to the savings book and the amount of savings made.

The background events

Background

15. In January 2015, Mr N wrote to the Council’s Children Complaints Officer querying the amount of savings he had accrued at his previous foster placement after many years in care. The Officer in her written response confirmed that whilst there was no formal policy governing the amount of pocket money that FCs should save, she understood there was an “unwritten rule” that £5.00 per week would be put aside. This practice had ended when the extra allowances for FCs stopped on 31 March 2014. The Officer noted that the issues Mr N raised fell outside the relevant formal complaint procedure⁷ and she had asked the Group Manager of Children’s Regulatory Services (“the Group Manager”) to look into the matter and respond further.

16. The Group Manager wrote to Mr N. She informed him that his recorded savings in 2012 were approximately £1200. His savings had been used to fund a European school trip in March 2012 which cost

⁷ The Social Services Representations and Complaints Procedure.

£600, and a rugby trip in April 2014 which cost £500. He had been given a savings balance of £270 when he changed fostering placement. The Group Manager noted she had since received £200 from Mr and Mrs A as interest payments they had received when they closed his savings account. She said the bank/building society had kept the savings book as Mr and Mrs A no longer needed it.

17. The Group Manager commented that FCs had no legal obligation to provide savings for LAC and so she was pleased Mr and Mrs A had done so. She later added that the Council had never enforced FCs providing savings for children they cared for. This was because it had never been a requirement but was regarded as good practice.

Mr N's evidence

18. Mr N noted that the Council's responses had not provided him with any new information. Mr N felt the Council should have given information about the monies deposited and withdrawn, since this would have shown how the interest on the account had accrued. Mr N added that the Council had not provided him with any explanation as to why the once in a school lifetime allowance (see paragraph 12) had not been applied to his rugby trip.

19. He questioned whether, based on the Council's response about its savings policy, a LAC could expect not to receive best practice from the Council.

The Council's evidence

20. The Council in its formal response to my office said that its documentary evidence demonstrated there was regular monitoring of Mr N's savings account, including expenditure, and that the savings book was regularly inspected. The Council referred to a supervision visit on 9 September 2013 where it was noted that approximately £350 had been saved for Mr N. The Council added that there was no other specific reference to savings books being checked. The Council said that the annual review that took place on 2 November 2013 did not include any savings details.

21. The Council said that its Handbook was intended to be a guide for FCs. It contained wherever possible all identified council policies and processes which FCs must adhere to. Much of the remaining information was guidance to aid FCs in their role. The Council indicated that there had never been a requirement for a FC to open a bank account for a LAC. Likewise, the Council had not enforced the need for FCs to provide savings for LAC as it was not required by law, the Fostering Services (Wales) Regulations 2003 or within the Minimum Standards (see paragraph 10). The Council re-affirmed that it was seen as good practice only to open a bank account and save for LAC.

22. It added that the amount to be saved from the fostering allowance had never been stated in its Handbook. This was because it was not enforceable. The amount of pocket money was shown as all children in placements were entitled to this and it could not be withheld.

23. The Council was asked whether from a corporate parent perspective it had a policy and procedure in place for monitoring a LAC's savings and inspecting the savings book. The Council said it did not. It added that it did not monitor LAC's savings unless, for example, they were being made via the junior individual savings account ("ISA"). The Council said it had set up an ISA for Mr N in accordance with the Welsh Government's statutory guidance.⁸ The Council confirmed that the savings that Mr and Mrs A had made for him had not been transferred into this account.

24. The Council said it did not have copies of the savings book entries or receipts for expenditure from Mr N's savings account. It said the receipts were seen by the supervising social worker at the supervision visits. It said that Mr N's savings book had not been inspected when his foster placement came to an end, nor had the Council taken his savings book into safe keeping. The Council noted that the placement had broken down very suddenly and it had been hoped that Mr N would be able to return to it. However, it was subsequently determined that he would not be returning and at that point the placement ended.

⁸ Junior Individual Savings Accounts (Junior ISAs) for LAC in Wales, Welsh Government, 2012.

25. The Council was asked whether Mr N had been consulted about the funding of trips. It noted a discussion had taken place with Mrs A and Mr N at a LAC review meeting (a forum to consider, monitor and amend the care plan in place to promote the welfare of the child) on 21 March 2014 (see paragraph 44). The Council said that this meeting provided the documentary evidence that it had sought Mr N's views and discussed with him the impact the rugby trip would have on his savings. (The Council's comments are at odds with the recorded minutes of the meeting which recommended the Council fund the trip.)

26. The Council said that in relation to the European school trip in March 2012 and the rugby trip in April 2014, it was unable to provide photocopies of the relevant withdrawals from the savings book as it did not have this information. It added that the provision of a once in a school lifetime allowance had ceased on 1 April 2014. As a consequence Mr N was not eligible for it. The Council, when asked, could not confirm when payment for Mr N's rugby trip had been made.

27. The Council was asked about the recommendation made at the LAC review meeting that it should fund the cost of the rugby trip. The Council noted that at the time there was either an outdoor pursuits trip available or the rugby trip. The Council added that, as it was a recommendation and not an action point, it was a decision for Mr N's social worker, who supported him going on both trips, but understood that the Council could not fund both. As Mr N had gone on both trips the Council funded the outdoor pursuits trip only. The Council added that Mr and Mrs A had used Mr N's savings to pay for the rugby trip.

28. The Council was unable to provide a record of the management discussion not to fund Mr N's rugby trip. The Council noted that there was no set procedure on how these decisions were made.

29. The Council said that Mr and Mrs A had spent approximately £1000 for Mr N to have a multi-gym which he requested for Christmas as well as paying for a sports related course. (In his response to the draft report Mr N said that he had contributed his pocket money towards the cost. When asked by my investigating officer, both Mr N and his

Advocate highlighted that Mr N had not been consulted or agreed to his savings being used towards the cost of the multi-gym.)

30. The Council said that Mr and Mrs A were careful to evidence everything they spent. The Council indicated that this was usually because they spent well over their allowances. The Council added that the supervising social worker had had sight of these receipts. It said that by confirming satisfaction with the way the extra allowances were being spent this was proof that the supervising social worker had seen the receipts.

31. The Council noted that the Group Manager's visit to Mr and Mrs A's home (where the accrued interest payment was paid), occurred on 22 June 2015. The Council confirmed there was no case record of this visit.

32. Finally, the Council provided details of its updated Proforma. This places much less emphasis on monitoring expenditure and savings, despite the guidance in the Handbook on savings remaining unchanged.

Professional advice

33. My Adviser noted that the fostering handbook is a regulatory requirement. In addition, the Minimum Standards (see paragraph 10), as they relate to the Supervision of Carers (Standard 22), make it clear what steps a supervising social worker is expected to take to ensure that carers understand the need to operate in accordance with the fostering handbook.

34. My Adviser, whilst noting that providing savings was not nationally mandatory during the timeframe of Mr N's complaint, observed that the Council had nevertheless made it a requirement of its FCs that they should open a bank account and save. Whilst the amount to be saved was not specified, in its letter to the complainant the Council had told him that there was an "unwritten rule" that £5.00 per week be saved for each child.

35. My Adviser noted that the Council's position seemed to be that because the requirement to save was guidance rather than policy its FCs were free to choose whether they acted on it. However, as well as being contrary to the Minimum Standards (see paragraph 10), she said that if this interpretation was applied throughout its current Handbook this would mean that FCs could choose not to follow similarly worded guidance relating to child protection and safeguarding issues.

36. My Adviser said that the Council's assertions therefore, that saving for LAC was not a requirement, were contradicted by evidence such as its Handbook, the monitoring expectations laid out in the Proforma and an examination of practice during the relevant period.

37. My Adviser reviewed the records including those of the fostering supervision meetings between March 2009 and August 2014. Most of the supervision meetings were with Mrs A.

38. My Adviser commented on how the Council had monitored the extra allowances given to Mr and Mrs A. She noted that in the earlier records there were no details given about the expenditure that had been incurred. Instead, there were generic comments that the extra allowances had been fully spent on Mr N and his brother or were being used appropriately. In addition, there was no record of the supervising social worker requesting or being provided with receipts for any purchases or holidays bookings as the Council's guidance in its Handbook required.

39. From a savings perspective there was consistent evidence of a failure to properly complete the savings section of the Proforma. There were instances when only the savings book(s) were mentioned with no indication of the amount saved. On other occasions, there were no references to the savings book(s) or the amount saved. Likewise, there was a lack of clarity as to whether the savings books had actually been seen or whether the supervising social worker was merely reporting on what Mrs A had told her. Between 2009 and 2014 my Adviser commented that there was only one record (15 January 2010) where it seemed fairly certain that one of Mr N's savings books had been seen.

40. My Adviser referred to the lack of documented discussion around key issues pertinent to Mr N's savings including matters relating to significant expenditure. For example, on 29 November 2011, there was reference to a plan for Mr N to go on a European school trip but no record of any discussion about how this would be paid for. It later transpired that Mr N's savings had been used (see paragraph 16). On 21 November 2013, Mrs A had reported having bought Mr N a multi-gym, a computer tablet and other things for Christmas. Again, there was no record of a discussion concerning the considerable costs of these presents or how Mr and Mrs A had paid for them.

41. My Adviser noted that the Proforma of 13 March 2013 recorded that "£1000 each saved in one account [for Mr N and his brother] with another £300 each saved in their post office accounts". It was 13 August before savings were referred to again. Although the amount of savings was not documented it was recorded that Mrs A had complained that she and the other carers were unhappy that there had been no increase in the fostering allowance for six years and yet they were still expected to save for their foster children. Mrs A had referred to it only being a recommendation that FCs save for children and young people and that it was not compulsory. My Adviser noted that there was no record of the supervising social worker having discussed, challenged, or agreed with Mrs A.

42. On 9 September the supervising social worker documented Mrs A's comments that she was no longer saving for Mr N "as there is no policy in writing to state that carers have to save for children and young people." The amount of savings was recorded as being £350 approximately. Again, there was nothing recorded of the supervising social worker having discussed this savings issue with Mrs A or having referred her to the guidance on savings included in the Handbook. Additionally, no explanation was recorded about the apparent reduction in Mr N's savings since March 2013.

43. My Adviser noted that every supervision record between 2009 and 2014 listed as an action point that Mr and Mrs A continue to save for him on a monthly basis and this continued even after Mrs A made it clear that she would not be saving for him.

44. My Adviser noted the background events to the rugby trip which was first raised in a supervision meeting in January 2014 when Mrs A said that her husband would be taking Mr N on a rugby trip in the April. A formal LAC review meeting was held on 21 March. An independent reviewing officer (“IRO”) chaired the meeting. At this review meeting the cost of the rugby trip was discussed and it was agreed that the Council would fund the trip in addition to Mrs A’s allowance.

45. My Adviser made it clear that councils must not ignore review recommendations. If there are any concerns about their implementation the IRO must be notified immediately.

46. My Adviser noted there was no record of who rejected the plan for the Council to pay for the trip, why or when and who decided that the trip should be paid for from Mr N’s savings. Similarly, there was no record either of a discussion with Mr N about the Council’s change of mind or that he knew and was asked to agree for his savings to be used to fund the trip.

47. In conclusion, my Adviser noted that Mr N had been in the care of the Council for his entire childhood, bar a few months. The Council expected Mr and Mrs A to put savings aside for him but did not account properly for these savings. She said a proper accounting record would have protected Mr N’s interests. My Adviser noted that the Council had not consulted him before any withdrawals were made, particularly when he was a teenager. It had not addressed Mrs A’s refusal to continue saving for him after September 2013. It also failed to give him both his savings books when he moved to a new placement. My Adviser felt that the absence of any guidance on how LAC’s savings might be spent together with an apparent failure to recognise the importance of consulting LAC on the use of their savings were likely contributory factors in the significant erosion of Mr N’s savings.

The Council’s response to the draft report

48. The Council in its comments to me restated its position that FCs saving for LAC was based on guidance rather than policy. The Council noted that the amount to be saved was absent from the fostering

allowances section of the Handbook. This was because the figures quoted were based on the Welsh Government's national minimum allowances and there was currently no national guidance or set amount for savings. The Council also noted that aside from the need to establish a junior ISA, there was no national policy or guidance in place regarding savings for LAC.

49. The Council drew a distinction between internal guidance in its Handbook involving safeguarding issues (such as children should not be left alone with dogs) which would be enforced, and guidance relating to savings which would not. It noted that a shortage of FCs meant that it would not terminate their services if they chose not to save for their LAC. The Council said it continued to retain its guidance on savings in its Handbook as it wished to encourage FCs to save on behalf of LAC.

50. Addressing Mr N's case specifically, the Council said it took its role and responsibility as a corporate parent for LAC extremely seriously. It pointed to the work of its Corporate Parent Cabinet Committee as evidence of this.

51. The Council reiterated that it had operated within its savings guidance. It said that Mr N had been very happy in his foster placement and had been treated as a fully integrated member of the foster family and not just as a LAC.

52. It said that there had been never been any questions or issues raised concerning the amounts spent on Mr N and other children within the foster home and, in the context of paragraph 38, the supervising social worker had never had reason to question Mrs A about finance including savings. On the issue of record keeping, the Council commented that not every discussion could be fully recorded in detail within a supervision visit and it emphasised again that Mr and Mrs A were long standing FCs for whom expenditure on the children they looked after had never been an issue.

53. The Council said that its Fostering Service and Safeguarding Case Workers were also satisfied that Mr N received over and above the basic allowances provided to FCs as evidenced by his presentation and all his

belongings. The Council concluded that it did not consider that Mr N had been disadvantaged in any way by his LAC status while in its care and it was satisfied it had appropriately discharged its corporate parenting duty towards him.

54. On the issue of complaint handling, the Council explained the sequence of events that led to Mr N's concerns being treated as a "service issue" rather than a formal complaint. It said that if Mr N's concerns had been treated as a formal complaint, the Group Manager would still have been the person who responded to it and, therefore, the outcome would not have been any different. Additionally, the recording and formal reporting mechanisms to senior management were the same for both service level issues and formal complaints under the Social Services Representations and Complaints procedure.

55. The Council acknowledged that its response to Mr N might have appeared "dismissive or unsympathetic". It apologised and said that this had not been its intention. The Council added that the tone of its response was not reflective of how it usually responded to LAC. It said that it took all complaints very seriously and dealt with them courteously and promptly so as to resolve the matter as quickly as possible. It said that in terms of learning lessons it had reviewed the way that it responded to people.

56. The Council set out the ways that it was trying to take forward the savings agenda both at a national level, by trying to obtain a national position/policy on savings for LAC, and at a regional level by engaging with other local authorities and interested parties on the issue.

Analysis and conclusions

57. Mr N's complaint has centred on the Council's failure to adequately enforce and monitor his savings account as a LAC in his former fostering placement. As a result he said his savings were significantly less than he could have expected.

58. I have been greatly assisted by the advice I have received from my Professional Adviser. I have taken her advice into account in reaching my findings in this case. I have set out her advice in some detail in my report so I am able to be relatively brief in what I say.

59. Mr N complained that the Council did not manage properly, and in accordance with its own policy, the savings made for him. Whilst I acknowledge the Council's contention that guidance is not the same as policy, the Council's position appears contradictory and inconsistent. Evidently the word "should" in the guidance sometimes means "must" (for example in safeguarding matters) and sometimes is intended to mean "may" (for example in the context of making savings for the child). The Minimum Standards make clear that FCs are expected to operate within all standards, policies and guidance. If the Council intends that some guidance is mandatory and some is optional that should be made clear, to avoid confusion and uncertainty for FCs and LAC.

60. Whilst guidance is just that, a failure to have due regard to it may amount to maladministration. Whilst a Council can depart from guidance, this should be the result of a clear and documented decision setting out the reason for departing from the guidance. It should not simply be a retrospective explanation of an approach that does not follow the guidance.

61. As I stated at the beginning of my report, my investigation concerns the actions of the Council, rather than those of the FCs, and I make no criticism of the FCs in my report. My findings relate only to the Council's actions. I have therefore looked particularly at the Council's approach to savings for LAC as set out in guidance and in its operations. I have considered the Council's argument that there is no requirement for FCs to save and by implication that the Council cannot be expected to have thorough and robust oversight of savings.

62. Whether or not FCs are obliged to save for LAC, the Council, as corporate parent, has a duty to ensure adequate oversight and monitoring of savings that are made. The Council's Handbook sets out the approach to savings and indicates that FCs should make savings for LAC. In addition the monitoring forms completed by supervising social

workers are clearly intended to include details of savings, indicating that the Council recognises its role in overseeing the savings of LAC.

63. In this case the documented monitoring of savings by the Council was intermittent and inadequate, meaning that there is no proper record of savings and of expenditure from savings. The final level of savings available to Mr N is therefore unexplained. Since the level of savings is substantially less than Mr N expected, this is unsatisfactory. I consider that these administrative failings amount to maladministration. I therefore **uphold** this element of Mr N's complaint.

64. Mr N also complained that some of his savings were used, without consultation with him, for trips for which he should have received a special allowance. The Council agreed at the LAC review meeting of 21 March 2014 (and documented this agreement) that the Council would fund the rugby trip. Evidently the Council changed this decision, without referring this to the Independent Reviewing Officer as it should have done. The trip was funded from Mr N's savings but the Council was unable to show whether or how Mr N was consulted and whether and when he agreed to fund the trip from his savings. This amounts to maladministration and I therefore **uphold** this element of Mr N's complaint.

65. The third element of Mr N's complaint was that the savings he received in January 2015 were substantially lower than they should have been. The Council has failed to keep adequate records itself and has failed to ensure that savings were appropriately managed and accounted for. In the absence of records, statements or receipts, it is unclear why the savings were as low as they are. When the £200 interest payment was made to the Council there was no record showing how that amount had been accrued as the Council had not secured any records or the savings books. These failings amount to maladministration. I therefore **uphold** this element of the complaint.

66. The maladministration I have identified has caused injustice to Mr N. He should have been able to see what savings had been made for him and how they had been used. He was not able to do this because they were not properly accounted for. When deciding how to

remedy that injustice I have had regard to the Council's "unwritten rule" that savings of £5 per week should be made, and allowing for money already paid to Mr N, I have calculated a figure for appropriate financial redress in this case. This is included in my recommendations. Whilst the Council has challenged the calculation on the basis that Mr N agreed other expenditure from his savings, there is no quantifiable evidence of this and I am minded to give the benefit of any doubt to the more vulnerable party, Mr N.

67. My investigation also identified shortcomings in the way that the Council dealt with Mr N's complaint. The Council has acknowledged that its response to Mr N could have appeared "dismissive or unsympathetic" and it has apologised for this. I remain of the view that the Council took too narrow a view when it concluded that Mr N's case was not one that fell within its social services complaints procedure. I continue to have concerns that the way that the Council responded to Mr N's complaint in this instance meant that the voice of a LAC was not properly heard. Mr N's comment, that the Council's response suggested to him that LAC cannot expect the service provided to them to reflect best practice, is of particular concern.

68. Notwithstanding the Council's failings, Mr N's case raises important issues at local, regional and national levels about LAC and their savings. I welcome the fact that the Council has placed this on the agenda for discussion at a national level. I hope that the issues my investigation has raised will lead to positive changes and the development of further national policy on long term savings for LAC, reflecting the need for councils to secure, for LAC, the outcomes every good parent would want for their own children. I will therefore be sharing my report with the Welsh Government.

Recommendations

69. I **recommend** that:

- (a) The Council's Chief Executive should apologise in writing to Mr N for the failings identified.

- (b) The Council should make a payment to Mr N of £3,310.
- (c) The Council should make a payment to Mr N of £250 to reflect the shortcomings in complaint handling.
- (d) The Council should review this case from a complaint handling perspective and share with my office any lessons learned.
- (e) The Council should share a copy of my report with its Corporate Parent Cabinet Committee and its Chair should provide my office with details of any actions this Committee intends to take as a result of this case.
- (f) The Corporate Parent Cabinet Committee should consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money. In doing so, the Council should have regard to the following: its duty to act as a corporate parent to give LAC the best possible start in life and other local authority saving schemes.
- (g) The Council should provide my office with its proposals and action plan for reviewing cases of LAC, who like Mr N, may be similarly affected in this regard.
- (h) The Council should review its current arrangements/requirements in respect of savings and expenditure and the checking, retention and passing on of savings records at the end of a placement with a view to introducing clearer guidance/requirements.
- (i) In collaboration with the Care and Social Services Inspectorate Wales the Council should revise its foster carer agreement to ensure that it is compliant with the requirements of Schedule 5 to the Fostering Services (Wales) Regulations 2003.

70. The Council should carry out recommendations (a) and (d) within **one month** of my report being finalised, recommendations (b), (c) and (h) within **two months** and recommendations (e) – (g) and (i) within **six months** of my report being finalised. For the avoidance of any doubt these are the “permitted periods” within which I expect the Council to comply with my recommendations for the purposes of section 19 of the Public Services Ombudsman (Wales) Act 2005 (“PSOW Act 2005”).

71. The Council has agreed to implement all of the recommendations with the exception of recommendation (b), the payment to Mr N. It added that the Council was still prepared to reimburse Mr N for the two trips which were funded from his savings.

72. It is very disappointing that the Council has to date refused to accept my recommendations in full. If the Council maintains this position and fails to comply with recommendation (b) in full within two months of my report (i.e. by 21 January 2017), I will have to consider whether to issue a further special report against the Council under s22 of the PSOW Act 2005. Should this continue to be the decision of the Council following the Corporate Parent Cabinet Committee’s consideration of my report, in view of the seriousness of a s22 special report, I recommend that my report is also shared with all of the elected members of the Council.



Nick Bennett
Ombudsman

22 November 2016

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Action re: Ombudsman report of 22.11.2016

The ombudsman provide a report which was published under Section 16 of the Public Services Ombudsman’s (Wales Act) 2005

The table below set out the recommendations of which there were 9, along with accompanying timescales.

| Recommendation | Timescale | Action taken to date | Responsible Officer | Action outstanding | Date |
|---|---|---|--|--------------------|------|
| a) The Councils Chief Executive should apologise in writing to Mr N for the failings identified. | One month 22 nd December | Letter sent to Mr N on the 16 th of December 2016 | Group Manager, Regulated Services | None | |
| b) The Council should make a payment to Mr N of £3,310.00 | Two months 22 nd January | The Council is not in agreement to make this payment. | | None | |
| c) The council should make a payment to Mr N of £250.00 to reflect the shortcomings in complaint handling. | Two months 22 nd January | A cheque for £250 was delivered on the 15 th December 2016. | Group Manager, Regulated Services | None | |
| d) The Council should review this complaint handling perspective and share with my office any lessons learnt. | One month 22 nd December | The Council has already reviewed its complaint handling procedure. This was shared with the Ombudsman’s office on the 1 st September 2016 and reinforced during the meeting between ombudsman staff and Council officers on the 6 th October 2016 | Children’s Social Services Complaints Officer Corporate Director, Social Services and Wellbeing, Senior Lawyer and Group Manager, Regulated Services | None | |

| | | | | | |
|--|--|--|--|---|---|
| <p>e) The Council should share a copy of my report with its Corporate Parent Cabinet Committee and its office should provide my office with details of ant actions this committee intends to take as a result of this case.</p> | <p>Six months 22nd May 2017</p> | <p>A report sharing a copy of the Ombudsman's office report will be shared with Corporate Parenting committee on 18th January</p> | <p>Group Manager, Regulated Services</p> | <p>Report to be presented Minutes of the meeting to be provided by the chair to the Ombudsman's office</p> | <p>18th January 2017</p> |
| <p>f) The Corporate Parent Cabinet Committee should consider the arrangements it deems most appropriate in respect of long term savings for Looked after children while encouraging them to save from pocket money. In doing so, the Council should have regard to the following : its duty to act as a corporate parent to give Looked After Children the best possible start in life and other Local Authority savings schemes</p> | <p>Six months 22nd May 2017</p> | <p>The Council highlighted this as a national item for discussion through the Fostering Network at a South Wales Fostering managers meeting on the 22nd September 2016 and through the National Fostering Framework at a conference on the 4th October 2016. All Welsh Local Authorities were contacted on the 10th August for their positon on Looked After Childrens savings</p> | <p>Group Manager, Regulated Services Group Manager, Regulated Services</p> | <p>National Fostering Framework work stream 'Harmonising payments' will make national recommendations for the Committee to consider</p> | <p>May 2017</p> |
| <p>g) The Council should provide my office with its proposals and action plan for reviewing cases of Looked After Children, who like Mr N, may be similarly affected in this regard.</p> | <p>Six months 22nd May 2017</p> | <p>The issue of savings and Ombudsman's enquiry has been highlighted to staff. The Local Authority will process any enquiry as received in relation to young people potentially affected.</p> | <p>Group Manager, Regulated Services plus officers from Finance, Legal and Safeguarding Group Manager, Regulated Services</p> | <p>Arrangements for opening ISA accounts and any other savings accounts for looked after children to be reviewed to consider opportunities to incorporate additional monies. National Fostering</p> | <p>January 2017</p> |

| | | | | | |
|--|--|--|--|---|--------------------------------|
| | | | | <p>Framework workstream in respect of harmonising payments to be attended</p> <p>The supervision proforma mentions pocket money and the question as to whether any savings have been made will be added. The Looked After Children review document will be revised to include reference to savings.</p> | <p>TBC</p> <p>January 2017</p> |
| <p>h) The council should review its current arrangements/ requirements in respect of savings and expenditure and the checking retention and passing on of savings records at the end of a placement with a view to introducing clearer guidance /requirements.</p> | <p>Two months 22nd January 2017</p> | <p>An engagement event with Foster Carers in respect of savings and current approach has been arranged for January 2017.</p> | <p>Group Manager, Regulated Services, Senior Practitioner, Bridgend Foster Care and Foster Carers.</p> | <p>None</p> | |
| <p>i) In collaboration with the Care and Social Standards Inspectorate Wales the Council should revise its foster carer agreement to ensure that it is compliant with the requirements of Schedule 5 to the Fostering Services (Wales) Regulations 2003</p> | <p>Six months 22nd May 2017</p> | <p>We have an annual fostering inspection and every year we share with CSSIW our documentation including the agreement revised at the recommendation of the first Ombudsman's report</p> | <p>Group Manager, Regulated Services</p> | <p>Latest agreement to be shared with CSSIW. CSSIW to receive a copy of our action plan.</p> | <p>January 2017</p> |

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