

CABINET COMMITTEE CORPORATE PARENTING - WEDNESDAY, 18 JANUARY 2017

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, 18 JANUARY 2017 AT 2.00 PM

Present

Councillor HJ David – Chairperson

CL Reeves

CE Smith

PJ White

HM Williams

Invitees

Cllr E Dodd

Cllr P Foley

Cllr H Morgan

Cllr D White

Apologies for Absence

Councillor HJ Townsend, N Farr and K Watts

Officers:

Susan Cooper

Corporate Director - Social Services & Wellbeing

Andrew Jolley

Corporate Director Operational & Partnership Services

Laura Kinsey

Head of Children's Social Care

Deborah McMillan

Corporate Director Education & Family Support

Pete Tyson

Planning and Contract Management Officer

143. DECLARATIONS OF INTEREST

Councillor P White declared a personal interest in Agenda item 6 because he sat on the Bridgend Foster Panel.

144. APPROVAL OF MINUTES

RESOLVED:

That the Minutes of a meeting of the Cabinet Committee Corporate Parenting dated 19 October 2016 be approved as a true and accurate record, subject to the following:-

That the Invitees listed below be added to the list of Councillors present and that Cllr CE Smith be recorded on council business and not apologies for absence:

Cllr Ella Dodd

Cllr Neelo Farr

Cllr Peter Foley

Cllr David White

145. CHILDREN'S SOCIAL CARE COMMISSIONING

The Chairperson welcomed Peter Tyson, Group Manager - Commissioning Contracts and Contract Monitoring to the meeting.

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

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.

The Commissioning Team now oversaw commissioning activity across both Adult Social Care and Children's Social Care, where historically the team oversaw commissioning within Adult Social Care only.

In order to be able to respond effectively to the additional demands and requirements across the directorate as a whole, the team had been reviewed and restructured, and additional resources had been made available in the form of a 'Strategic Planning and Commissioning Officer', and a 'Commissioning and Contracting Officer'.

In November 2016, the Social Services and Wellbeing Directorate were 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.

It was recognised that there were a number of alternative definitions of commissioning. The Commissioning Team within the directorate had adopted Welsh Government's definition, taken from Welsh Government's (WG) 'Commissioning Framework Guidance and Good Practice – Fulfilled Lives, Supportive Communities':

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'. The purpose was to have a single clear vision in place for Children's Social Care, against which all future plans and strategies could be linked

A key strategy which would have a significant influence on any future commissioning activity and commissioning plan within Children's Social Care was the Early Help and Permanence Strategy and Action Plan, which had been developed alongside colleagues within the Education and Family Support Directorate. 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 were in the process of being finalised.

Under the new Act, local authorities (and health) had to carry out and publish a Population Assessment. This assessment was intended to give organisations, services, individuals and communities an understanding of where there were 'gaps' in care and support provided by public services, and what could be put in place to address these care and support needs.

The Population Assessment was made up of a number of sub-assessments, covering all age ranges, including children and young people. This was an essential piece of work in informing any future commissioning activity, and also critical in the development of any future commissioning plan for Children's Social Care. Within BCBC, the sub-assessments had been completed, and the final Population Assessment would be published by April 2017, in accordance with WG's timescales.

Contract monitoring arrangements were 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.

Officers were looking to build on the current relationship BCBC had 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.

There was a strong emphasis on collaboration in the form of regional commissioning across the Western Bay area. A prime example within Children's Social Care was 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 were working closely together to establish a regional service and specification, which would be delivered in accordance with the requirements of the new Act and Welsh Government guidance.

Commissioning officers from BCBC were part of a 'South Wales Commissioner's Group' that had been established in response to the new Act, and also common strategic drivers. A Healthy Living Partnership Programme had also been established, which had a focus on increasing levels of physical activity, including those who were from under-represented groups. As part of this partnership programme, looked after children were being supported with free membership to leisure facilities, and a similar initiative was also being developed for young carers, in partnership with 'Action for Children'

The Chairperson asked if there were any gaps or significant changes in the Commissioning Plan. He was advised that there would be a clearer picture in April when the Population Assessment had been completed. No significant changes were anticipated but this would help shape current thinking.

A Member commented that a considerable amount of work had been completed by the whole team to take this matter forward. It was a comprehensive report which improved the way things were done.

The Chairperson welcomed the work that had been done particularly with Children and Young People and the support to help children be heard.

RESOLVED That Corporate Parenting Committee noted the contents of the report, and provided comment on aspect(s) as appropriate. A further update report to be submitted in summer 2017.

146. SECURE ESTATE

The Corporate Director, Social Services and Wellbeing introduced Caroline Dyer, Service Manager, Western Bay Youth Justice & Early Intervention Services to the Committee.

The Service Manager then presented a report informing the Cabinet Committee of the Local Authorities responsibility in respect of the secure estate following the implementation of the Social Services and Wellbeing (Wales) Act in April 2016.

Bridgend County Borough Council had within its boundary, HMP and YOI Parc, which was a Category B Prison with capacity for 2000 male prisoners, the majority being adult

offenders. The prison opened in November 1997 and was the only private prison in Wales and was managed by G4S on behalf of the Prison Service. Parc's main population provided Category B and Category C prisoner accommodation for those serving in excess of 18 month sentences. There were 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 accommodated up to 64 young males aged from 15 – 17 years of age. The young people at HMP & YOI Parc were accommodated in one of two units, Echo 1 and Golf 1. They generally came together each day in small groups for Education (25 hours each week) and some other activities. Each evening there was a period of association before the young people were returned to their rooms for the night.

The responsibilities of the Children's Services department towards children in Wales were contained in the Social Services and Well-being (Wales) Act 2014 which was implemented on 6 April 2016. There were various parts of the Act that made specific reference to children and young people in the youth justice system. Part 4 of the Act set out how needs should be met in the care planning process; Part 6 of the Act set 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 contained miscellaneous and general provisions relating to children with care and support needs in youth detention accommodation, prison, approved premises and bail accommodation. Parts 4 and 6 contained legislation already in existence whereas Part 11 contained new responsibilities in the miscellaneous section.

The responsibilities of the Youth Offending Team (YOT) were 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 was the prevention of offending and re-offending by children and young people.

The Service Manager confirmed there were no young people from Bridgend in custody at the moment.

There were a number of trigger points where care and support needs could be identified and assessed when a young person arrived in custody. For example, once in custody, YOTs and secure estate staff were 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 was in custody.

A 'Sentence Plan' should include whether the young person had ongoing 'care and support needs'. This plan was created when a young person had received a custodial sentence by the court and was a plan as to how the young person's needs would be met during his/her period of incarceration (including health, education behavior/emotional needs).

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 would commence immediately when they arrived in custody. However, unless the young person's Looked After status was derived from a Care Order

under section 31 Children Act 1989, their Looked After status did not necessarily continue after a young person had been sentenced.

All looked after young people had to be seen by their allocated social worker within 10 working days of arrival at HMP & YOI Parc. When a looked after young person arrived at HMP & YOI Parc, the allocated social worker would be contacted immediately in order to establish any concerns and to arrange an initial visit. The young person's Independent Reviewing Officer (IRO) also had to be contacted to confirm that they were in custody and a LAC Review would be arranged to take place within 20 working days of the young person's arrival at HMP & YOI Parc.

All 100 young people remanded and sentenced to HMP7YOI 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.

The Service Manager confirmed that he had not been asked to undertake any assessments for children in Parc to date.

The Committee asked if there was a reciprocal arrangement with English authorities. The Service Manager explained that if a Welsh child went to England, the money followed the child but not vice versa. Members asked how attention could be brought to this imbalance and were advised that this matter was being raised at various working groups with the intention of taking the message back to WG.

The Committee asked if there was a shortage of appropriate places. Members were advised that Hillside was more suitable than Parc because of the number of beds available and the catchment area it covered.

Members asked if the grant of £236,774 was enough to cover the cost of the extra duties. They were advised that it was not possible to say at this stage.

The Corporate Director Social Services and Wellbeing reported that the bulk of the grant had been used to put a new team together to look at the additional needs as a result of changes in the Act. A review was currently taking place in relation to the first nine months.

The Chairperson requested an annual report on the outcomes of those the authority was responsible for.

RESOLVED

- 1) That Cabinet Committee noted the Content of the report.
- 2) That a report be submitted to a future meeting on the outcomes for young people in prison.

147. INVESTIGATION REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Corporate Director, Social Services and Wellbeing introduced Jo Lloyd-Jones, Team Manager of Fostering Teams to the Committee. The Corporate Director then shared with the Committee an investigation report issued by the Public Services Ombudsman's office regarding a complaint and found maladministration by the Council.

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.

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.

The Council 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 was that Mr N had 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 was 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.

The Council took its role and responsibilities as a corporate parent for looked after children extremely seriously, however, there was 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 could not 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 were encouraged to save for looked after children for whom they provided care. Foster carers participated in regular supervision with allocated supervising social workers and had to account for the expenditure of the basic allowance provided.

The Council had ascertained from other local authorities that there was no mandatory savings policy in place, all foster carers were 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' made no mention of pocket money or the amount to be set aside in saving. Furthermore, the National Fostering Network which worked in partnership with Welsh Government and which was the charity considered to be the essential network for foster care did not have a policy or expectation in place in respect of savings.

BCBC had 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. 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.

The Ombudsman recommended that the report be shared with the Corporate Parenting Committee and that the Committee consider the arrangements it deemed 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

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

A Member referred to the final point raised by the Ombudsman relating to what would happen if the Council failed to comply with recommendation (b) in full within two months of his report ie by 21 January 2017.

The Corporate Director, Operational & Partnership Services explained the current position. BCBC had what he considered a good relationship with the Office of the Ombudsman and this was due at least in part in the Authority being open and willing to accept when it had got things wrong. In the present circumstances the Authority had accepted the Ombudsman's findings but on one issue there was disagreement. If Members did not agree with the Ombudsman's recommendations then the Ombudsman could issue a further report. The Corporate Director, Operational & Partnership Services explained that he had considered Judicial Review but the Ombudsman could not force BCBC to comply with the recommendations and therefore it would not be in the public interest on this occasion.

He reported that the Ombudsman had recognised this raised issues at local, regional and national levels about LAC and their savings and welcomed the fact that this was now on the agenda for discussion at national level. However he considered that in recognising that this was a national issue it was wrong to seek to deal with it at a local level when no statute or statutory guidance existed. He considered it unfortunate that the issue had arisen but that the Authority should not accept a finding that it did not agree with It was important to maintain a good relationship with the Ombudsman but on this occasion, it would be helpful if he reconsidered this point.

The Corporate Director, Social Services and Wellbeing explained that there had been a meeting with the Ombudsman and a BCBC legal representative following receipt of the report where the matter had been discussed at length. They had failed to come to any agreement at that time.

A Member stated that he was confused by the Ombudsman's report and that there appeared to be more than one person with access to the savings account and a lack of written evidence. He believed that as a gesture of goodwill, it would be appropriate to make a payment of £1100, to cover the two school trips. The Corporate Director, Operational & Partnership Services explained that the determination had been made and was no longer open to negotiation. An offer of compensation had been made during the conversations with the Ombudsman's office.

A Member raised the issue that not all foster carers could afford to save for their own children and this could be an issue if a looked after child was treated differently. This could also set a precedent and result in other claims against the Council. He also asked who had the authority to make decisions within the Authority.

The Corporate Director, Operational & Partnership Services confirmed that he had the power to settle litigation however this issue was being considered by this Cabinet Committee and therefore it was for the Committee to determine the matter before it.

Members were concerned that any offer of payment could set a precedent and the Corporate Director, Social Services and Wellbeing confirmed that correspondence had been received from another child based on the Ombudsman's report.

A Member raised queries with the Ombudsman's report in particular point (f) which recommended that the Corporate Parent Cabinet Committee consider arrangements for long term savings whilst recognising in another point that foster carers had no legal obligation to provide savings for LAC even though it was regarded as good practice. He was concerned that this was an extra responsibility for foster carers and could deter existing and new foster carers.

A Member was concerned that the family was being vilified for treating the child as a family member. Foster carers should be encouraged to act as parents and there was no suggestion that they had benefited personally.

Concerns were raised about statements in the report regarding the difference between guidance and policy and another stating that in the absence of quantifiable evidence, benefit of the doubt had been given to the more vulnerable party.

The Corporate Director, Operational & Partnership Services confirmed that the Ombudsman could produce a further report which would be public and published. If the Committee was not in agreement with the Ombudsman then the Authority would produce a full explanation of its disagreement for publication. He could not confirm that the authority would be given an opportunity to respond before the report was published. Members suggested that the Corporate Director, Social Services and Wellbeing write to WG asking for a response to this matter and also to contact the National Fostering Network.

The Team Manager, Fostering Teams confirmed that this matter was on the Agenda for the next National Fostering Network meeting. Savings for LAC did need to be considered but there was a duty of care to foster carers who had raised concerns.

The Leader referred to the need to consider arrangements in respect of long term savings for LAC and suggested that this follows engagement with foster carers and the National Fostering Network and that savings be considered in the wider context.

An Invitee moved an amendment that a one off goodwill payment of £1100 be made to Mr N on this occasion. The Invitee was advised that he could not move an amendment. Members of the committee discussed the suggestion and agreed that on the basis that the Ombudsman had determined his requirements, they would not move the amendment.

RESOLVED:

That the Corporate Parenting Committee:

- Noted the Ombudsman's report attached as Appendix A;
- Had considered the arrangements it deemed most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money, in light of engagement with foster carers and the National Fostering Framework;
- Endorsed the Action Plan attached as Appendix B;

CABINET COMMITTEE CORPORATE PARENTING - WEDNESDAY, 18 JANUARY 2017

- Supported 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 and requested a report back to Committee when the work had been completed.
- Requested that the Corporate Director, Social Services and Wellbeing write to WG asking for a response to this matter.
- Authorised the Chair of the Committee to provide the Ombudsman's Office with details of the Committee's decision.

148. URGENT ITEMS

None.

The meeting closed at 3.45 pm