

15 April 2013		ITEM
Corporate Parenting Committee		
CORPORATE PARENTAL ENGAGEMENT PLAN		
Report of: Councillor James Halden (Conservative, Homesteads), Shadow Cabinet Member for Children, Education and Skills		
Wards and communities affected: All	Key Decision: No	
Accountable Head of Service: Barbara Foster, Head of Care and Targeted Outcomes		
Accountable Director: Carmel Littleton, Director of Children's Services		
This report is Public		
Purpose of Report: When considering the budget and the report to cabinet regarding care packages, the cabinet member and the shadow cabinet member agreed to bring a report to committee to outline the ways in which members could satisfy themselves that robust scrutiny was happening in regard to care packages, and that would further allow members to be good corporate parents and "know how their children were doing".		

Executive Summary

This member-led committee was set up in order for elected members to fulfil the looked-after children's strategy, namely that corporate parents, as real parents, should know how their children are and thus the need to understand how best to help them. However, the nature of statutory children's social work is so sensitive that it has become at times removed from members i.e. budgets and care packages not being subject to the same member scrutiny as other areas of the authority spend due to the highly sensitive nature and the relevant and strict legal protections in place. This report sets out the reasons and the ways in which information can be shared with members in order for them to carry out their functions, while protecting sensitivity to the utmost degree. Legal advice on the issue of data protection is clear and officers and members will never be put in a position to breach this if the safeguards in this report are put in place.

1. Recommendations

- 1.1 Corporate Parenting Committee agree to the proposals set out in 3.1 – 3.7.**
- 1.2 Corporate Parenting Committee task the Head of Care and Targeted Outcomes to action them in time for the start of the new municipal year, and continue to monitor and prepare information that is relevant.**
- 1.3 Corporate Parenting Committee ask that the chair and vice chair set the new work plan with it in mind, and be aware that each meeting may require time for exempt business.**

2. Background

- 2.1 As we consider the next step in improving member led corporate parenting, it would be useful to recap how far we have come.
- 2.2 In June 2011, members expressed concerns that the Corporate Parenting Panel did not have the same status as other Council committees. In addition, the key concern was that members needed to be empowered to be good corporate parents i.e. having a strong vehicle to be informed advocates for children, and the panel was insufficient to this end as a body that did not sit in the constitution or have the same status as other council committees.
- 2.3 In November 2011 Cllr M Revell proposed that the “Looked After Children’s Strategy” (LACS) should not be adopted as he felt it lacked the needed member input as corporate parents. Cllr Revell secured agreement that the LACS be taken away for discussion between both parties.
- 2.4 This resulted in the adoption of a number of principles, including “like good parents, corporate parents must know how their children are doing”. This was the basis for members being robustly engaged with children and social services. This was the way to make sure all LAC had a strong voice in the council, as all citizens do via their elected representatives.
- 2.5 In December 2011, Cllr B Rice (Cabinet Member for Children’s Services) launched the new LACS with Cllr J Halden, after 3 weeks of work and cross-party negotiation. The cross-party launch was a very positive moment.
- 2.6 In Jan 2012, Cllr M Revell, seconded by Cllr J Halden, proposed a motion to Full Council to abolish the old panel and establish a full Council Committee for corporate parenting, with the same rights, powers, responsibilities and status as all other council committees. The new committee would be a strong body to implement values of the LACS. The motion was passed unanimously.
- 2.7 In May 2012, all members gave a clear sign regarding the importance in which they hold corporate parenting when senior members experienced in children’s services from both parties joined the first committee.

These included; Cllr Oliver Gerrish (Incumbent Labour cabinet member for Children Services and Education), Cllr Charles Curtis (former Labour cabinet member for Children Services), Cllr Mike Revell (former Conservative cabinet member for Children and Education) and Cllr James Halden (Incumbent Conservative shadow cabinet member for Children and Education).

- 2.8 In June 2012, Ofsted conducted an inspection of safeguarding and looked after children. The inspectors interviewed both parties' lead members – Cllr Oliver Gerrish and Cllr James Halden. The Ofsted report highly praised our corporate parenting function and praised the commitment of members to the LACS. Thurrock secured a good rating and we surpassed several of our statistical neighbours. Our corporate parenting function even received greater positive mention than authorities who were judged as outstanding authorities.
- 2.9 In September 2012, a new looked-after children data profile was released. While a useful tool, it lacked certain depth, based on understandable concerns about the identification of children. The profile, for example, informed us of the amount of LAC and where they were placed, but offered no rationale as to why certain long distance placements were used i.e. are we using distant placements due to a lack of carers, or due to a court order that requires a safe distance from a harmful situation or due to a complex need. Members not having knowledge of this information indicates poor parenting, this is the same for corporate parenting.
- 2.10 In November 2012, the Children's Services department requested a £3,000,000 growth to be built into the base budget to deal with an overspend on placements which had developed over several years. This overspend represents 5% of the council tax and thus members were greatly concerned about the impact. Members agreed the principle subject to explanation of the current expenditures, focusing on value for money and joint funding arrangements. In addition, in 2013, cabinet approved a paper that allowed the cabinet member to waive parts of procurement rules from the constitution to sign off care placements. While this was justifiable in the name of expediency, members agreed that high levels of spending would require higher levels of scrutiny.
- 2.11 At the cabinet meeting in February 2013, Cllr Gerrish confirmed that he agreed with Cllr Halden's proposal to establish a regular "exempt" session in the corporate parenting committee, where members could satisfy themselves that all social care placements were robust enough on behalf of both our children and the taxpayer, and where all sign off's on care packages could be reported. This offered the chance of resolving members' concern under the same bi-partisan basis that has been used to advance corporate parenting to the stage that we received high praise from OFSTED.

3. Issues and Options

- 3.1 Members must be clear on the fact that some information is legally restricted to certain post holders i.e. the statutory Director of Children's Services due to the high level of sensitivity around child care cases. However, this does not

need to get in the way of robust and transparent corporate parenting if we are focused on the quality and cost of the placement, as opposed to the individual details in the nature of the package which would be illegal to disclose, most especially in circumstances where the courts are actively involved in the arrangements being made for individual children.

- 3.2 It is not acceptable for members to set policy and priorities, as well as the budget to fund these, and yet not be able to request information that inform elected members as to the true picture of our looked-after children and their placements. Equally members and officers must be compliant with the relevant legislation and ensure that the operational and strategic roles of officers and members are not unhelpfully blurred.
- 3.3 The main concern is that disclosure of finance and placement information could be linked directly to individuals and lead to the identification of children or families by those outside the council. This would be a breach of the law. Thus all information will not only require careful selection, but also the acknowledgment that it cannot be disseminated. These issues can be mitigated via the use of exempt business rules as this does suffice with even the most sensitive tender processes.
- 3.4 Officers may also feel concerned that such a public discussion would put them into a position of public and political criticism that is not fair. Thus, moving into exempt session can avoid this.
- 3.5 Members on corporate parenting should have the benefit of mandatory training as per other statutory committees such as Planning/Licensing Committee.
- 3.6 Saying that members need access to full and clear information to be good corporate parents is not in any way calling the ability of any officers or partners into question. It about setting a standard – that all members will be empowered with information to make sure we understand the department and therefore are best placed to act for our looked after children. Members do not seek, nor should they, to be operational managers. We sign off the policies and finance behind the looked after children’s strategies – with clear information to understand the impact of this on the service our decision making will be better informed.

4. Proposals

- 4.1 Officers will seek appropriate legal advice before acting, and will take every care to redact all identifying information including, but not limited to, names, address, personal details and with special attention to paragraph 2.1 and consultation with the Acting Director of Children’s Services.
- 4.2 Each meeting of the corporate parenting committee should have a standing agenda item for exempt business to be presented, where everyone is requested to leave the room apart from: –
 - a) Elected Councillors on the committee,

- b) The lead officer on the exempt business and the officers designated by the lead officer,
 - c) The committee clerk and;
 - d) With advice from the lead officer, a vote can be taken by members.
- 4.3 Exempt business will still have minutes taken as per the constitution; these will require sign off from both the chair and vice chair before release and with advice from the lead officer to ensure confidentiality. The recording will be stopped for exempt business.
- 4.4 All information requested must be made available as is routinely required for exempt business (not an oral update), to be ready at the time of each agenda publication.
- 4.5 Standing reports will include any care placements signed off by the director and cabinet member, since the last meeting, as per the cabinet report of February 2013. In addition a bi-annual update on our looked after children profile i.e. where children are placed, and why. No personal information on children or family groups will be disclosed.
- 4.6 Any member on the committee can request and expect a briefing, for the next meeting, on care placements and looked after children data from the head of service (with at least a week's notice before the publication deadline).
- 4.7 All members going into exempt session must have taken mandatory corporate parenting training given by officers. The training must have been approved by the chair, and will make it clear to members if information can't be released or is restricted to a certain detail and the legal grounds on which it may not be disclosed.
- 4.8 The full council agreed a sum of £5000 for an independent audit of our care placements. At the start of the new municipal year (2013/2014), officers will bring forward a paper with a suggested audit for members to consider.
- 4.9 In addition to 4.8, the committee will take a report in the new municipal year where we will compare our profile and spend with other authorities.

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

6. IMPLICATIONS

6.1 Financial

Implications verified by:
Telephone
E-mail:

Michael Jones
01375 652772
mxjones@thurrock.gov.uk

Although there are no direct financial implications associated with this report, the children's placements budget makes up a significant amount of the total

spend within the care and targeted outcomes service. This budget has had a growth allocation agreed for 2013/14 to address an increase in demand for the service.

6.2 **Legal**

Implications verified by: **Lindsey Marks**
Telephone: **01375 652054**
E-mail: **lindsey.marks@BDTLegal.org.uk**

Article 8 of the European Convention on Human Rights provides a right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society".

Under Article 8.1 everyone has the right to respect for his private and family life, his home and his correspondence.

Article 8.2 states that there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Respect for an individual's private life includes respect for private and confidential information, particularly the storing and sharing of such information: respect for privacy when one has a reasonable expectation of privacy; the right to control the dissemination of information about one's private life, including photographs taken covertly; the right to personal autonomy and physical and psychological integrity, i.e. the right not to be physically interfered with; and the right not to be subject to unlawful state surveillance.

The Data Protection Act 1998 controls how personal information held in respect of individuals is used by organisations, businesses or the government. Personal information about children and families held by professionals is subject to a duty of confidence, and should normally not be disclosed without the consent of the subject. However, the law permits the disclosure of confidential information necessary to safeguard a child.

Many of the children involved with Social Care are the subject of on going care proceedings and the rules of the Court prevent information in relation to those children or their placements being disclosed due to the confidential nature of those proceedings. Even parents of looked after children are only provided with very limited information in respect of their child's placement in case the placement is identified because of fears that the stability of that placement is undermined.

The children involved with Social Care are very vulnerable children. Any information relating to looked after children and their placements is highly confidential. As Thurrock is a small community the disclosure of any information relating to looked after children and their placements may lead to that information becoming more widely disseminated and this would mean that the placements may be identified thus placing those children at risk. The safeguards highlighted in this report will mitigate such a risk.

6.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
Telephone: **01375 652472**
Email: **sdealyn@thurrock.gov.uk**

Looked after children are a diverse group and include many individuals with protected characteristics. There is no evidence that we have any inequality across races in our service delivery.

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

None

APPENDICES TO THIS REPORT:

None

Report Author Contact Details:

Name: Barbara Foster
Telephone: 01375 652764
Email: bxfoster@thurrock.gov.uk