

Children and Young People Overview & Scrutiny Committee Minutes of the meeting held at 2.00pm on 17 January 2012

This special meeting was convened to conclude the agenda of the 14 December 2011 meeting, which was adjourned after item 7.

Present:

Members of the Committee

Councillor Peter Balaam
Councillor Barry Longden (replacing Councillor Julie Jackson)
Councillor Mike Perry
Councillor Clive Rickhards
Councillor Carolyn Robbins
Councillor John Ross (Vice Chair)
Councillor Martin Shaw
Councillor June Tandy (Chair)

Invited representatives

Chris Smart
Diana Turner

Other County Councillors

Councillor Heather Timms (Portfolio Holder for Child Safeguarding, Early Intervention and Schools)

Officers

Jenny Butlin-Moran, Service Manager – Safeguarding
Phil Evans, Head of Service – Improvement and Change Management
Mark Gore, Head of Service – Learning and Achievement
Richard Maybey, Democratic Services Officer – Law & Governance
Janice Ogden, Programme Manager – Business Support
Phil Sawbridge, Head of Service – Children in Need Division

1. General

Apologies were received from Sharon Ansell, Joseph Cannon, Councillor Carol Fox, Councillor Julie Jackson, Rex Pogson and Councillor Sonja Wilson.

As a continuation of December's meeting, the agenda then moved to item 8.

8. Performance Management

Phil Evans invited the Committee's views on current arrangements for performance management, reporting and monitoring, and how these could be improved to allow for more effective scrutiny.

8.1 Comments from members included:

- Performance reports should be more concise
- Information should be reported on a more regular basis, rather than annually, so there is opportunity for members to make a difference

- Members need to be informed of issues as they arise; reports do not necessarily have to be scheduled into the work programme, they can be shared outside committee meetings via interim reports or briefing notes
- A clearer commentary is needed to support the data in reports, and the focus should be more on areas of under-performance (exception reporting) rather than areas that are performing well
- More thought is needed on the method of sharing information with members, as Internet links are not always accessible on mobile devices

8.2 Phil thanked members for their comments. He stated that the feedback from all Overview & Scrutiny Committees would be used to develop a refreshed approach to performance management (to be ratified by Corporate Board and Cabinet). This will:

- Set out the need for concise, regular and better-presented information with a focus on exception reporting
- Clarify the role of Cabinet as the executive body that sets performance targets
- Clarify the role of the Overview & Scrutiny Committees as the overseeing bodies to scrutinise performance against those targets

9. **Munro Review**

Phil Sawbridge introduced the report, which summarised the recommendations of the independent review of child protection by Professor Eileen Munro. Phil explained that the Government response sets a direction of travel to address those recommendations, rather than a prescriptive approach, placing greater trust in professionals and local authorities.

- 9.1 In terms of implications and concerns for Warwickshire, Phil noted that:
- a) Regulations and guidance for social work practice will be reduced and simplified, which is welcomed
 - b) Warwickshire's Director of Children's Services (DCS) has been allocated additional duties, which conflicts with Munro's recommendations. The Government suggests that a local test of "assurance" should be passed in such circumstances. While Warwickshire's draft assurance test was well received by Ofsted within the Inspection of Safeguarding and Looked After Children in November 2011, the additional duties on the DCS will require monitoring
 - c) Warwickshire welcomes the creation of a Chief Social Worker in Government, but it is unclear how this will work and who they will liaise with at local government level
 - d) A national database for multiple agencies to log and share concerns about child protection issues has not been recommended by Munro. This could lead to continuing uncertainty about how professionals can find the information they might need

- 9.2 During discussion with members, the following questions and responses were noted:
- 9.3 The most recent Task & Finish Group looking at child protection concluded that agencies across Warwickshire were generally working well together – but there was a need for greater cooperation from the police. Is this still the case?
- The recent Ofsted inspection raised no concerns about working relationships with the police or other partners
- 9.4 In the period between now and when the changes are implemented, how will child protection be managed to mitigate risks?
- Government guidance on the changing arrangements and duties is due to be released at the end of January 2012. Any changes will be managed with great care
- 9.5 The Munro Review implies that the role of the DCS is a full-time job. How does Warwickshire plan to monitor if the additional duties on the DCS are appropriate? What is the assurance test?
- The assurance test takes the form of a statement setting out how the functions of the DCS would be carried out. This was well received by Ofsted as part of the November 2011 inspection
 - Monitoring of the role of the DCS will be ongoing
- 9.6 Has the authority made provision for the appointment of a Principal Child and Family Social Worker?
- Yes, but a full specification of that post is needed before it can be filled

Resolved: The Committee requested that a report be brought to its September 2012 meeting to:

- **Update members on the implications of the Munro Review for Warwickshire**
- **Provide assurance that the additional duties of the Director of Children's Services can be carried out without unnecessary risks to child protection**
- **Assess if closer multi-agency working is improving the effectiveness of child protection**

10. Improving Safeguarding Outcomes

- 10.1 Phil Sawbridge introduced the report, which provided an update on the progress the authority has made to:
- Address the inconsistent practices identified by Ofsted in its 2010 unannounced inspection
 - Implement the recommendations of the Committee's 2010 Scrutiny Review

- 10.2 Phil commented that it is very difficult to implement fully consistent practices across all teams, but work is ongoing to achieve this as much as possible. For example, the number of social work teams has been reduced, the foster care service has been integrated under a single manager and staff are adopting modern ways of working such as e-reporting. These changes will help streamline the number of interfaces between services, and work will continue as part of the Council's overall property review. In addition to this, the Safeguarding Children Board is considering how teams manage thresholds and how conflicts can be resolved.
- 10.3 During discussion with members, the following questions and responses were noted:
- 10.4 The 2010 Scrutiny Review identified the need to not overburden newly qualified social workers (NQSW) and to ensure an equitable caseload across the county – what progress has been made against this?
- The caseloads of NQSWs have been reviewed. A protected limit on caseloads is in place, and Ofsted are satisfied with arrangements. However, resources are scarce and teams are under constant pressure. There is a need to work in smarter ways, and reduce demands on the service via earlier, more effective intervention.
- 10.5 How is the physical restructuring of the service being planned – for example, what is informing the location of the merged teams?
- The internal review, which was based on need and service priorities, has become complicated by the addition of the Council's overall Property Rationalisation programme. Efforts are needed to keep these two reviews in tandem.
- 10.6 The 2010 Scrutiny Review identified that senior staff and managers were being overloaded with the requirement to oversee the caseloads of NQSWs. Does this pressure still exist?
- Those NQSWs are now more experienced and require less oversight from managers.
 - As a consequence of the economic conditions, staff turnover has slowed and retention of experienced staff is strong.
- 10.7 Given the increasing pressure on diminishing resources, coupled with a limit on social worker caseloads, what assurances can be given that all cases are being investigated that should be?
- The authority has a statutory duty to consider all cases that need to be addressed.
 - Because the service is governed by demand, creative solutions are required to manage the increasing workload, including voluntary partnerships and a focus on intervention to reduce demand.
- 10.8 What is the current situation with regard to case times, and what can be done to reduce them?

- Timescales are an issue mainly due to lengthy court processes, which can take up to 9 months.
- The Family Justice Review recommends that involvement of the justice system be lessened to judgements on individual cases, rather than overall Local Authority plans. This should help to reduce timescales.

11. Education of Vulnerable Pupils

This report was requested as a result of the recommendation in Paul Galland's Relationship with Schools review that the Council should develop an overall strategy for the education of vulnerable pupils.

- 11.1 Mark Gore explained that a key element of this emerging strategy will be a policy of early intervention and prevention (detailed in the appendix to the report). This will help universal services, such as those in schools, and reduce the need for acute service intervention. A key mechanism for early intervention is the Common Assessment Framework (CAF), which brings different agencies together for one assessment process and helping families gain swift and easy access to the services they need. The strategy is still in development and a complete version should be ready for the Committee to scrutinise at its 20 June 2012 meeting. Officers continue to seek an understanding of the variety of vulnerable children, including those who are home educated, missing from school and hard-to-place.
- 11.2 During discussion with members, the following questions and responses were noted:
- 11.3 How can the local authority (LA) ensure that Academies will not exclude vulnerable children in order to improve its performance? Or adopt an admissions policy that favours the best pupils from the best schools?
- Academies have all signed up to the Area Behaviour Partnerships and have a duty to comply with the national admissions code
 - Academies would need to consult on any changes to their admissions arrangements if they want to link to primary schools rather than priority areas
- 11.4 How will the LA be informed of vulnerable children in Academies that require support?
- It would be the Academy's responsibility to inform the local authority of any support required, but this is no different to the current arrangement with LA-maintained schools
- 11.5 Can the process of statementing be shortened to enable pupils to gain faster access to Special Educational Needs (SEN) provision?
- The current government review of SEN is moving to this approach

- 11.6 What are the issues around home-educated children and children out of school?
- The LA has no statutory right to intervene in a home education environment, unless there is a safeguarding issue to address
 - The tracking of children out of school is a big area of concern:
 - There is a long gap between a child being born and being registered at a school, so children can be unknown to the LA
 - There is no arrangement by which the LA is informed of children leaving school, such as when families emigrate
 - It is important to forge good relationships with Gypsy Roma Traveller communities to understand where intervention is needed
 - Better links between agencies (NHS, registration services, Children's Centres, benefits agencies etc) could provide the LA with useful information about missing children – although this would not solve the issue of travelling families
- 11.7 Is the number of vulnerable children in Warwickshire increasing?
- It varies according to the category. For example, the number of Looked After Children and NEETs and new arrivals is going up, while the number of pupils excluded from school should reduce under the new Area Behaviour Partnership system
 - Mark Gore agreed to provide the Committee with a further report on Vulnerable Children, including trend data on the different categories of children, when most appropriate

Resolved:

- **That the Committee would consider the Council's proposed strategy for the Education of Vulnerable Children at its meeting on the 20 June 2012**
- **That the Committee would receive an update report on the numbers of vulnerable children within Warwickshire at a future meeting, as advised by the Head of Service – Learning and Achievement**

12. An update on the offer that the authority will be making available to Academies for 2012/13

Janice Ogden introduced the report, stating that there are now 20 Academies in Warwickshire – which are all secondary schools. A further 6 Academies are due to open in April, which includes an Infant school.

- 12.1 The Council has a working group that continues to monitor the conversion of LA-maintained schools to Academies. A Memorandum of Understanding is being developed for Academies that states which LA services are free and which will be offered on a traded basis. Some discretionary, non-statutory services will be provided free where there is mutual benefit to the LA and Academies – such as providing support in the event of emergencies.

- 12.2 The Warwickshire Education Services (WES) Board has reviewed all services traded with schools, and an offer to Academies was reported to Cabinet in December 2011, resulting in some services being removed. Academies have until 1 March 2012 to state which services they want to purchase from the LA. This data will be reviewed in May 2012 and will inform the offer for future years.
- 12.3 During discussion with members, the following questions and responses were noted:
- 12.4 Would the LA be in a financial position to assist schools in the event of an emergency?
- Clarification from central government would be helpful in this respect.
- 12.5 What is the current position regarding appointment of LA governors to Academies? What are the implications of having an upper limit of 19.9% for LA governors?
- There is no requirement for Academies to have any LA representative on their board of governors
 - The 19.9% limit applies to anybody with a connection to any local authority, not just Warwickshire County Council. This includes town and parish councillors and employees of a local authority. It will significantly restrict the number of people who can be appointed to a governing body. It also applies to sub-groups of the governing body, meaning that groups of 4 members could have no LA representation
 - Diana Turner, Chair of the Governors Forum, has written to the Department for Education expressing concern about the limitation. Diana stated that the response was unsatisfactory, and agreed for this to be shared with Committee members for information
 - Various members of the committee expressed concern about this policy. Mark Gore therefore agreed to liaise with Greta Needham about pursuing it, possibly via the Association of Directors of Children's Services (ADCS)
- 12.6 What are the issues and risks associated with the marketisation of services to schools? For example, what happens if a private provider fails in the provision of an essential service and the LA no longer has the resources to fill the void? How is the LA seeking to compete with the private sector?
- There is no guarantee that the LA will be able to step in to provide services that are closed as a result of decisions made now
 - Where information is available, the LA will look at the cost of private services and seek to compete. However, it has been agreed that all traded services must not be subsidised by other revenue streams. Greater efficiency and more innovative ways of working will help to

reduce costs, but it will still be difficult to compete with the economies of scale of large private providers

- If demand for a non-statutory LA service falls and it no longer becomes financially viable, the LA has no obligation to continue providing that service (although it would honour any existing contract arrangements)

12.7 What trends have been identified so far in terms of the buyback of LA services, and the impact on LA and LA-maintained schools?

- An improved payroll service offer is currently in development
- As schools convert to Academy status, the LA loses revenue for its internal insurance and sickness insurance schemes which are no longer required
- Variable costs such as the provision of broadband present a potential financial risk. Currently, the cost is spread equally across all schools, despite the actual cost varying according to region. Town-based Academies could find a more attractive deal themselves, leaving the LA having to provide more expensive broadband to rural schools

13. Work programme

The following amendments to the work programme were agreed:

February	Update on school governor arrangements to be taken under Matters Arising A revised version of the Draft School Organisational Framework to be considered as part of the consultation
March	Meeting cancelled (scheduled in error)
April	Date of the meeting was agreed as the 25 th
June	Update report on the Education of Vulnerable Children Update report on the implementation of the Action Plan, following the Ofsted Inspection of Safeguarding and Looked After Children's Services
July	Meeting cancelled (scheduled in error)
September	Update report on Safeguarding and Child Protection, incorporating implications of the Munro Review

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Chair

The meeting rose at 4.25pm