



Children and young people

10 questions to ask if you're scrutinising services for looked after children

Introduction

This guide has been commissioned by Local Government Improvement and Development (LG Improvement and Development) and written by the Centre for Public Scrutiny (CfPS). It follows on from a previous guide produced by CfPS for LG Improvement and Development on scrutiny of children's safeguarding services, and forms part of a suite of offers for elected members and others around children's services.

LG Improvement and Development supports improvement and innovation in local government, focusing on the issues that are important to councils by working with them to develop and implement sector led support and challenge. The leadership and development programme for councillors is a key part of this. The Centre for Public Scrutiny is an independent national charity which carries out research, supports on-line networks and provides training, development and events to promote and improve public scrutiny and accountability across government and the public sector.

The author of this guide is Jessica Crowe, Executive Director of CfPS, and valuable comments, examples and advice have been provided by Claire Burgess of LG Improvement and Development and a group of elected members, officers and looked after children. Members of this group include: Rob Davison, Adam Hadley, Rob Mack, Sarah Morris, Julia Regan, Andrea Thwaite, Suzanne Triggs, Caroline Webb, Councillor Les Lawrence, Councillor Andrea Milner, and

looked after young people from Cheshire West and Chester. Thanks are due to all those who contributed their time, experience and expertise. Any mistakes are the author's own.

The guide is one of a series of '10 Questions to ask if you're scrutinising...' guides produced by CfPS on a range of topics. The guides aim to provide clear and succinct advice for scrutiny members and officers on the key issues to cover in a scrutiny review of that topic, as well as jargon-busting, links to further information and case studies.

The ten question areas and their detailed questions can be used by overview and scrutiny committees (OSCs) to scope a review that takes an overview of all services relevant to looked after children, or to focus on an area of particular interest. The questions can also be used to gather information during the course of the review and to frame evidence sessions with witnesses.

Please note that to the best of the author's knowledge all information is correct at the time of printing. However, it was produced shortly after the election of a new government in 2010 and the new government has committed to publishing a revised set of slimmed down guidance relating to care planning in March 2011. Readers are advised to check Department for Education website (www.education.gov.uk) for the latest information.

Key points

Children in the care of a local authority are one of the most vulnerable groups in society. The majority of children in care are there because they have suffered abuse or neglect. At any one time around 60,000 children are looked after in England, although some 90,000 pass through the care system each year.

When they are elected, all councillors take on the role of 'corporate parents' to children looked after by their local authority. They have a duty to take an interest in the well-being and development of those children, as if they were their own children. Although the lead member for children's services has particular responsibilities, the responsibility to act as corporate parents is held by all councillors, regardless of their role on the council.

Overview and scrutiny offers a key way in which councillors can fulfil this responsibility, by giving councillors the opportunity to ask searching questions of a range of service providers and assure themselves that children in the care of the local authority are being well looked after.

Overview and scrutiny also offers opportunities for councillors to hear directly from children looked after by the authority and to ensure that their voices are heard when considering the effectiveness and impact of services. This should include not just children's care services, but other areas which may have an impact on the lives of children in care (and leaving care), such as housing provision, crime and feeling safe in

the community, access to public transport, the quality of schools and leisure activities.

In March 2010 the government introduced new regulations and guidance to improve the quality and consistency of care planning, placement (where and how children are looked after) and case review for looked after children. It includes statutory guidance on independent reviewing officers, the 'sufficiency duty' requiring local authorities to ensure there is enough accommodation locally for looked after children, as well as guidance on improving their educational attainment.

This was part of the implementation of the Children and Young Persons Act 2008 and the Care Matters White Paper, and it updated and consolidated previous guidance around the 1989 Children's Act and other legislation. Slimmed down guidance is anticipated from the new government by April 2011. At time of writing the 1989 Act, 2008 Act and March 2010 guidance provide the basic statutory framework governing services for looked after children.

This document also refers to a number of performance indicators for children's services which were part of the National Indicator Set. These NIs are to be replaced with a single agreed list of 'Whitehall data requirements'. Authorities may still want to collect such information to help them manage and compare their own performance so the references to NIs have been left as they mostly capture the key performance questions.

Jargon-busting

‘Looked after children’, ‘children in care’

The term children in care includes: all children being looked after by a local authority; those subject to a care order under section 31 of the Children Act 1989 (see below); and those looked after by a voluntary agreement with their parents under section 20 of that Act. They may be looked after by family members, foster carers or staff in a residential children’s home. Children and young people from overseas become ‘looked after’ if they have no one with parental responsibility in this country.

Children ‘at risk’ of harm

These are children about whom there are concerns that they are or may be at risk of suffering harm through abuse or neglect. Children considered ‘at risk’ have a Child Protection Plan which should be regularly reviewed.

‘Children in need’

Children in need are a wider group of children and young people who have been assessed as needing the help of services to achieve a reasonable standard of health or development. They have a Child in Need Plan to address the difficulties identified in the assessment

‘Care leavers’

Care leavers are those who have been in public care for at least 13 weeks from the age of 14 onwards and therefore qualify for services to support them once they leave. This may be at 16 or up until 24 if they remain in full-time education.

Care Order – Section 31 Children Act 1989

Care Orders are made by the court if a ‘threshold of significant’ harm is reached and there is no likelihood of improvement in the standard of care provided for a young person. The local authority then shares parental responsibility with the parent(s) and can make the decisions that a parent would normally make. A Care Order expires when the young person reaches 18 (or sometimes 19) years of age, or when an Adoption Order is made and the child is permanently adopted.

Interim Care Order – Section 38 Children Act 1989

If the local authority is concerned that a child is suffering or is likely to suffer ‘significant harm’, they can apply to the court for an Interim Care Order, which is a time-limited order renewed while care proceedings for the child continue through the courts and other authorities.

Emergency Protection Order Section 44 Children Act 1989

An Emergency Protection Order removes a child into accommodation provided by or on behalf of the local authority and is granted by the court if there is reasonable cause to believe that the child is likely to suffer significant immediate harm.

Regulation 33 visits (now regulations 29-33)

What used to be known as 'Regulation 33' visits are the management inspections that have to be made regularly of residential care homes, and during which the visitor should speak to any staff and residents who may be present during the visit.

The 'sufficiency duty'

This is a duty placed on local authorities under 22 (G) of the Children Act 1989 (amended by the 2008 Act) to ensure there is sufficient accommodation to meet the needs of their looked after children. Sufficient accommodation must be provided 'where reasonably practical' (lack of resources is not considered a barrier), and having 'regard to the benefit of having a number of providers and a range of accommodation'.

Independent Reviewing Officers (IROs)

The Children and Young Persons Act 2008 requires local authorities to appoint a named IRO for each looked after child who will spend time with that child prior to any review of their care plan so that they personally establish the child's wishes and feelings and can ensure that these contribute to the review.

The Pledge

The Care Matters White Paper envisaged the Pledge, or as young people preferred to call it, 'the promise', as a key communication tool between children and young people and the authority responsible for ensuring they receive the parenting they need. Every child and young person's care or pathway plan must reflect how the commitments made in the Pledge will be delivered for that individual child and it will be monitored by the local Children in Care Council (see below).

Children in Care Councils

The Care Matters White Paper and the subsequent Act required local authorities to set up a Children in Care Council to enable regular, good quality dialogue and involvement in developing and delivering services. There should also be mechanisms in place for involving young people in care in the recruitment of key staff members, such as the Director of Children's Services. The local Children in Care Council will be responsible for helping develop and monitor the implementation of the Pledge to children and young people about the care they receive.

Commissioning

The process by which an authority decides what level and type of services it wants in order to meet identified needs, and seeks providers of those services, often through a competitive process. Increasingly this is done jointly, for example with the local health service, and in the context of looked after children should be focused around the needs of individual children. Commissioned services should be monitored and evaluated, and the process of decommissioning is also important to understand.



10 questions to ask when you're scrutinising issues and services affecting looked after children.

1

How well does your authority do in commissioning or providing services for looked after children, including in comparison with other similar authorities?

There are currently a number of national indicators of performance which enable you to assess how well your local authority is doing in comparison with others (although these are to be replaced with a smaller set of “Whitehall data requirements”). These can be useful in analysing trends and seeing if your area is significantly different from other similar areas. As corporate parents, councillors need access to this basic performance information to enable you to ask questions of those responsible, but bear in mind that scrutiny should not duplicate the work of the council’s own performance management. Ofsted reviews can provide a useful source of information on performance and trends but data needs careful interpretation as performance depends strongly on context.

- How many looked after children are there per 10,000 children?
- Who are your looked after children in terms of age, gender, ethnicity, religious or cultural background and disability, and what needs and challenges does this profile present?
- What percentage of looked after children cases are reviewed within the set timescale? (NI66)
- Do children understand what’s happening in their reviews and what’s going to happen as a result of their case review? Does anyone ask them this?

Commissioning of services is becoming increasingly important and members need to ensure that arrangements are robust and secure ‘value for money’ (particularly in the light of current and future cost pressures) and also that they work in the best interests of the children.

- How many services are jointly commissioned, either with other authorities or with partner agencies such as the Health Services?
- How will any changes in local health service structures, for example the proposed move to GP commissioning, impact on any joint commissioning arrangements?

Cost comparisons can be a good indicator of how effectively your authority is providing or commissioning services, for example:

- How much does it spend on court costs compared with other similar authorities and why?
- What level are directly commissioned foster carers’ fees set at and how much is spent on private and voluntary sector fostering agency fees?
- What is the cost of your residential provision by comparison with other areas?
- How much do you spend on out-of-area placements for looked after children? Is this rising or falling?

2

How well do your children in care do at school, both academically and in terms of other kinds of achievements?

In 2008, 14 per cent of looked after children achieved five A*-C grades at GCSE, compared to 65.3 per cent for all children. Ensuring looked after children have the right support to be able to participate fully in school life, and that their school career is not disrupted by constant placement moves can make a big difference. They may well have lost out on education because of the circumstances which led to them entering care and need help to catch up – a high proportion of looked after children see entering care as having been good for their education.

- What results are achieved by looked after children compared with other children at local schools, eg what proportion of looked after children get 5 A*-C GCSEs (NI101)?
- What plans does the council have to raise the educational attainment of looked after children?
- Are looked after children able to attend homework clubs and what support is provided to gifted children as well as those who may need to catch up? What difference is this support making?
- Do you know how well looked after children do at school if they are in placements outside your local authority area and attend non-local schools?
- How do schools' admissions policies treat looked after children, for example are they able to attend the same school as other children in their foster family, and how

many looked after children get into the highest performing schools?

- How do the admissions and other policies of any local academies, foundation schools or new 'free schools' treat looked after children?
- Do you have a 'virtual school head' (a post designated to look after all looked after children in schools across the local area, as if they were in a single school), designated teachers and designated school governors in place? How effective are these arrangements?

In one authority looked after children often missed out on after school activities and trips because of delays in getting permission from social services. As a result of the scrutiny review which brought this to light, social workers signed blanket permissions, enabling foster carers to sign permission slips for individual activities and ensuring looked after children could take part.

Celebrating the non-academic achievements of children in care and enabling them to benefit from all the opportunities school can offer is also important. Children in care should be cared *about* and not just cared *for*.

- Are looked after children able to participate in after-school activities and enjoy learning and achievement in all its forms? If not, what are the barriers?

- Does your council have a way to celebrate the achievements (whether sporting, academic, musical, attendance, personal bests) of looked after children, and are councillors given regular updates?
- What do looked after children and young people themselves say about school?

In one authority a young person was unable to attend an after school photography course because for two years no-one would buy her a camera: when this came to light during a scrutiny review, councillors intervened and got action taken to sort it out.



3

How good is the health and wellbeing of children in your care?

Looked after children and young people share many of the same health risks and problems as their peers, but they frequently enter care with a worse level of health due to the impact of poverty, abuse and neglect. Evidence suggests that looked after children are nearly five times more likely to have a mental health disorder than all children. Local authorities, primary care trusts and strategic health authorities must currently have regard to statutory guidance issued in November 2009 on promoting the health and well-being of looked after children, which requires children in care to have a personal health plan.

- Are looked after children a priority group for getting access to Child and Adolescent Mental Health Services (CAMHS) and how long are waiting times for referrals?
- As an at risk group, what access do looked after children and young people get to services to help with substance misuse, sexual health and teenage pregnancy?
- What support is given to foster carers and young people themselves about promoting healthy lifestyles?
- What do looked after children and young people themselves say about their health needs and priorities and how well they are met?



4

How stable and secure are the lives of your looked after children while they are in your care?

When children and young people enter care and are placed either with foster carers, in residential homes or even at boarding school, they often lose regular contact not only with their family members but also with other familiar friends, teachers etc. This is exacerbated if the 'placement' has to be out of the area, perhaps because of a lack of local foster families or places in residential homes. If the placement breaks down, they may have to move again, causing yet more anxiety and disruption. Ensuring placements are stable and work well for children and young people is therefore key to their well-being. There are a couple of indicators that your council currently has to measure its performance against but also other issues to explore.

- What percentage of looked after children move placements three or more times during a year ie how stable are your placements? (NI62).
- What percentage of children live in the same placement for 2 or more years? (NI63).
- What choice and information do children and young people have about their placements, eg do they get to meet potential foster carers or visit children's homes before they go to live there?
- If children have to move placement, what arrangements are made to keep them at the same school, for example transport?

As a result of one authority's scrutiny review, a looked after children and care leavers' drop-in centre was developed, to provide a safe space for looked after children and young people to go to find out information and meet support workers and others in one place.

5

How well does your authority do at finding appropriate adoptive families for children for whom it is decided this is the right option?

If a child or young person's birth family relationships have completely broken down then the best option for a long-term stable family environment may be permanent adoption. Nationally, however, there is a mismatch between the profile of children looked after and prospective adopters. The law governing adoption is in the Adoption and Children Act 2002, which aligned adoption practice with the 1989 Children Act, making the welfare of the child the paramount consideration.

- What do children and young people, for example in your local Children in Care Council, say about adoption processes?
- What percentage of children are placed for adoption within 12 months of the decision to adopt and are subsequently adopted? (NI61).
- How long does it take to make the decision to place a child for adoption, particularly for new-born babies?
- What is the profile of the children in care compared with prospective adoptive families, and if there is an imbalance, what steps are being taken to address this, eg to recruit more adopters by emphasising the positive messages about the process and value of adopting?
- How are sibling groups treated and what steps are taken to ensure they stay together, whether in adoption, fostering or residential care?
- What cross-border arrangements are there for adoption, including overseas?



6

How well do your foster care arrangements work?

Nationally, the proportion of children in care placed with foster parents as opposed to residential homes has risen to about two-thirds. This is partly due to the comparative costs of the two options but also due to a changed policy approach, as fostering enables children and young people to live in a family environment rather than an institutional one.

Foster carers can play a hugely valuable role in stabilising and caring for children from disrupted home environments for both short and longer periods of time, but nationally there is a shortage of people willing to take on the role. In the 1990s, independent / private fostering agencies developed, which placed pressure on local authority budgets as their fees were higher than those paid directly to councils' own foster carers. Issues around support for foster carers, the rate of fees and allowances and their access to information may all play a role in ensuring they can support the children they look after in the most effective way.

An area of growing concern is around private or kinship fostering, where children stay with extended family or friends in a private, often informal, arrangement, as this is an under-regulated area. Teachers or the local GP may realise that a child is no longer living at home with their parents but often the information is not passed on and there is no way of knowing whether the arrangement is in the child's best interests.

- Do you have a sufficient pool of suitable foster carers locally to meet the needs of and match the children needing placements? If not, what steps are being taken to address this?
- What support is given to your foster carers and how easily can they access it, for example therapeutic support and help?
- What do foster carers themselves say about the support they receive, including out-of-hours support and about their relationships with social workers and other professionals?
- Is there more 'in-kind' support that would facilitate and make the fostering role easier, such as bus passes, access to leisure centres etc?
- What do looked after children and young people themselves say about their experience of fostering?
- What does the authority or other agencies know about any kinship fostering arrangements and are people encouraged to share information or concerns?

Dreamwalls project in Southampton provides 'time-out' breaks for foster carers and has reduced by 95 per cent the proportion of foster carers leaving fostering. The cost equated to £674.43 per child per year, and 182 children received the service. Using the social return on investment (SROI) method of calculating value and benefits as well as costs, there was a £1.63 return for every £1.00 invested in the project.

7

How good is the standard of any residential care provided or used by your authority?

Despite the move away from large residential institutions, many authorities have retained smaller residential units which may be suitable for children and young people who find it difficult to cope with family-based life as a result of their experiences. Councillors have said that taking part in what are known as 'Regulation 33' visits or other arranged visits to homes can really bring to life what it is like to live in residential care, although they have to be carried out with sensitivity. Ofsted inspects residential homes and these reports (along with the reports from Regulation 33 visits) should provide a source of information and assurance to scrutiny about the standard of care provided there.

- If children and young people are placed in residential homes out of your area, particularly if they have to go to schools under a different education authority, what information do you get about how well they are doing or about the standard of the homes where they live, and what influence do you have to improve things?
- What do looked after children and young people themselves say about their experience of living in residential care?
- How are any complaints about standards of care in residential homes and issues such as bullying dealt with? How many are there and what happens as a result?

In Kirklees, looked after children can access the KicK (Kids in care Kirklees) website. From here they can go on a virtual tour of all the residential homes by watching a video made and narrated by looked after young people who live there, to tell them what it's like. The website also enables them to 'rate' their reviews and foster placements on-line, as well as read, listen to and watch first hand accounts of children and young people's experiences of care.

8

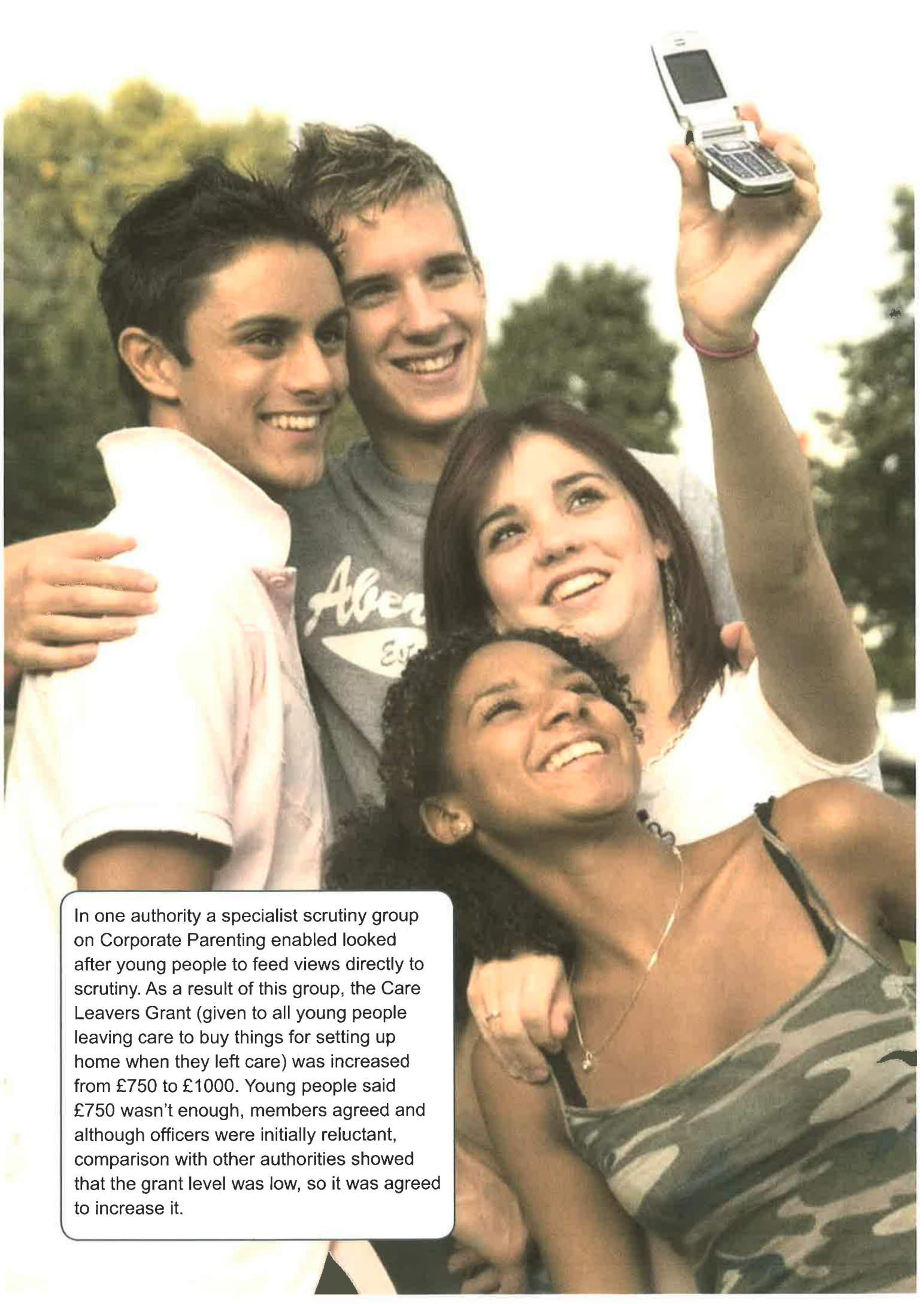
What support does your authority provide to young people leaving care and how effective is it?

For many young people, leaving care can be daunting and confusing. The Children (Leaving Care) Act 2000 sets out local authorities' responsibilities to help children leaving care develop a 'pathway plan' to independence, with the help of a personal adviser. While care can end at the age of 16, it will continue until age 18 if the child remains at school. Continuing assistance with education or training continues to the end of the agreed programme, even if it takes some past the age of 21.

Care leavers are still over-represented in prison populations and the unemployed, demonstrating that the experience of being in – and leaving – care still does not prepare young people well for adult life. If looked after children followed the same paths as other children into further education, training and jobs, it could save the economy £50 million each year.

In Rotherham, scrutiny called representatives from Job Centre Plus, the council's Revenues and Benefits and Care Leavers Services to a hearing following concerns expressed by care leavers about distress caused by late payments of benefits. The NCH Bridges Project reported that since the intervention of scrutiny, delays in processing benefits for care leavers were much reduced. As well as reducing the further risk of social and financial exclusion to vulnerable care leavers, there was also a reduction in the number of emergency payments to care leavers.

- How many care leavers is your authority still in touch with a year after they have left the care of the authority? How many are they in touch with after three years?
- Are former looked after children ever asked to help children currently in care by talking about their experience or giving advice?
- What do you know about the life outcomes of the children who were formerly in your authority's care?
- How many formerly looked after young people are NEETs (not in education, employment and training)?
- What support do young people leaving care receive around access to housing, tenancy support, employment, access to benefits, further and higher education and training? For example, does the local authority offer apprenticeships to care leavers or support with CV writing and interviews? What happens as a result?
- What do former looked after children and young people themselves say about their experience of leaving care and the support that is / was provided?



In one authority a specialist scrutiny group on Corporate Parenting enabled looked after young people to feed views directly to scrutiny. As a result of this group, the Care Leavers Grant (given to all young people leaving care to buy things for setting up home when they left care) was increased from £750 to £1000. Young people said £750 wasn't enough, members agreed and although officers were initially reluctant, comparison with other authorities showed that the grant level was low, so it was agreed to increase it.

9

How effective is your professional workforce of social workers and others responsible for running services for and working with looked after children?

Many authorities have struggled to recruit and retain sufficient numbers of suitably qualified social workers to manage their workload and do the difficult job of working with vulnerable children. This can be a key cause of poor performance around reviewing cases on time and picking up and acting on issues raised by children, foster carers and others. While senior officers are responsible for managing staff and services, members can play an important role in checking that officials beyond social services departments are aware of their responsibilities to looked after children, for example in housing departments, environment and leisure services, education, legal services and the health service.

- Do they have time for therapeutic work with looked after young people or do they get bogged down in paper work and what management action is taken to address this?
- What do looked after children and young people, foster carers and prospective adopters say about their experience of engaging with social workers and other professionals?
- Are looked after children and young people involved in recruitment and development of services?
- What are levels of social work staff vacancies, turnover, stress-related sickness, use of agency staff and ratios between newly qualified and experienced social workers and what action are management taking to address these? Are they learning from innovative schemes elsewhere to manage staff resources most effectively?
- What continuity of social worker support is there for looked after children and what are the case loads carried by social work staff?
- Is there evidence that staff from across the authority and other partners are working together to deliver what looked after children need?
- What attitude do social workers have to their work? Do they enjoy working with children and young people?

10

What more could be done to fulfil the council's responsibilities as a 'corporate parent'?

It may be impossible to expect all elected members to share the same level of commitment to the issue of looked after children. However, they do share the same level of responsibility and so there are certain basic expectations of the systems, processes and support that should be in place to enable them to fulfil that role. As former Secretary of State Frank Dobson MP's original letter to all councillors about their role as corporate parents, launching the Quality Protects Programme in 1998, said:

"Elected councillors have a crucial role. Only you can carry it out. You can make sure that the interests of the children come first. You bring a fresh look and common sense. As councillors you set the strategic direction of your council's services and determine policy and priorities for your local community within the overall objectives set by Government."

Crucial to fulfilling this role is ensuring councillors can hear directly from looked after children about what matters to them. This could be through informal discussions, visits by elected members to residential homes or involving looked after children and young people when reviewing services of interest to them.

It is not only councillors who are corporate parents. Council officers across the council (not just in children's services departments) share in the responsibility and other partners also have a duty to cooperate to ensure looked after children's needs are met.

- Do looked after children and young people know who their 'corporate parents' are? What do they say about what they expect from local councillors and others acting as their 'corporate parents'?
- Do all members receive mandatory training on their roles and responsibilities as corporate parents when they are elected and is this refreshed during their term of office?
- Are there appropriate opportunities for elected members to meet and listen to looked after children and young people, and to celebrate and praise their achievements when they do well?
- Is there an active Children in Care Council which regularly meets with elected members and others in authority (across the council and other partners) to express the views and needs of looked after children locally?
- How are children and young people's complaints responded to and what is learnt from them?

One authority has encouraged councillors to 'adopt' a residential home in order to encourage greater responsibility for and interest in each home by elected members and provide continuity between visits. These members could be important witnesses to any scrutiny inquiry.