

experience things that other young people of her age do. The family are always chronically short of money and ask for assistance from the Section 17 budget on a regular basis...'

- L's work placement at a stables had been lost;
 - L '*...appears to be held hostage to her mothers needs...There is little access as to what home life is like...*'
46. There is an undated LAC review document that seems to have been discussed at a meeting in May 2006. That report and the meeting noted:
- L and her mother had moved house and had not been visited in their new home;
 - a decision was made to apply to discharge the Care Order as the lack of contact was '*...felt to be deliberate on the family's part and a message that they no longer need a social worker to help them get on with their lives..*';
 - L had not engaged with Connexions and was of school leaving age so there was no Personal Education Plan for her;
 - '*There are concerns that [L] has not really done much in terms of taking up offers of support available to her so that there are health and education/employment needs still outstanding. However, without [L's] co-operation there is little that can be done about this...even if the care order is discharged...her leaving care worker will still have statutory involvement with her for six months beyond any discharge date for as long as [L] remains at home...*'
47. Information provided by L shows that from March 2005 she worked with Connexions on job searches and organised a placement from July to November 2005 that ended when her mother prevented her from attending. In December 2006 she found herself a job at a stables, asked Connexions for advice about taking GCSEs, attended all appointments made with her together with a 'Move On' course, applied for a job at a Veterinary Hospital, and completed a Prince's Trust Award.
48. In August 2007, L through her Advocate, complained to the Council. The Council dealt with her complaints through the statutory complaints process with a manager from its Children's Safeguarding Unit acting as the Independent Investigating Officer (IIO) assisted by an external Independent Person.
49. The IIO focussed on whether Social Services had followed their own policies and procedures and behaved 'reasonably' in the circumstances and who made decisions and why. She recorded that it was important to judge the actions and

decisions in the context of what was known and the legal and social policy context at the time. Her report included comment that:

- a more systematic approach to assessment and care planning during L's early childhood might have led sooner to an application to the Court to remove L from her mother's care;
 - once L was old enough to express her wishes the Council had to balance her right to be protected from harm with her right to a family life and to influence critical decisions about her living arrangements;
 - the plans for L to live with her mother and have tuition were agreed by the Court;
 - parents have a legal duty to ensure that their children are educated and the Council has a legal duty to intervene if a parent fails to do this;
 - the Council did intervene – on one level too little, too late, and the ten hours tuition resulting from the care proceedings were ultimately inadequate to help L to reach her hopes and expectations;
 - practice had changed over the ten years since L was first put on the child protection register with now greater awareness on the impact of domestic violence and parental mental health on children's emotional well being;
 - the statutory LAC review process would identify if an officer felt that a child's needs were not being met;
 - the law now required the Council to provide 25 hours of tuition to children who were not in school.
50. The IIO recommended that officers should be creative in looking at the best way to provide L with accommodation; L should receive financial support for remedial education and be able to access the 'Leaving Care' service until she is 25.
51. A very senior manager in Children's Social Care considered the IIO's report and wrote to L saying:

"...it is clear that there was a lot of involvement and action by Social Services and that Social Workers appeared to be following policies and procedures. Many of the plans and actions were agreed by the courts and through child protection conferences. It is also clear that your own views were an important factor in what happened..."

...you received ten hours tuition a week, this was actually above the minimum level of education which was legally required at the time for someone who was out of school. The legal minimum was 5 hours per

week. It was also...more than had happened before you came into care...Since you reached compulsory school leaving age you have been offered a number of opportunities to engage in alternative education provision but you have not taken full advantage of what has been offered".

52. L was not satisfied with the outcome and complained to me. She feels that:
- her complaint about being left, largely unsupervised, with her volatile and violent mother was not properly considered;
 - it was wrong when deciding in 2002 that she would be safe with her mother to rely on the views expressed by her father and sister (*'Of course [sister] would say I was Mum's favourite. That is what kids do...I can't believe they would take that kind of information from a 14 year old seriously.'*);
 - her complaint about education was not answered – she had complained about not being enabled to attend school not that she had not received the minimum statutory entitlement to education;
 - comments about her wishes and feelings took no account of her circumstances of rarely being seen by social workers and then in the presence of her mother;
 - no account had been taken of the way she had worked with Connexions and the initiative that she had shown in pursuing jobs and courses.

Legal and Administrative Background

53. The law, regulations, guidance and policy relevant to L's complaint are set out in Appendix 1.

Ombudsman's findings

54. I am not able to decide whether the Council acted with maladministration by not seeking a Care Order and/or to remove L and her siblings from their mother's care before 2000. Judged with the benefit of hindsight, the decisions not to intervene more effectively seem difficult to comprehend but it is not practicable, after so many years have passed, to identify specific failures to apply the law, regulations, guidance, policy, or procedures.
55. Once L was in her early teens her situation posed a considerable challenge for the Council. There is a strong presumption towards children being brought up by their families, there is evidence that L said she wanted to remain with her mother, and even her Court-appointed Guardian could not establish communication with her. It is clear from the papers that the Court has given me permission to see and use, that in March 2003 the Guardian, who was very critical of the Council and

strongly recommended the Court to grant a Care Order, reluctantly concluded that the best option was to place L with her mother - subject to the conditions set out in the Care Plan.

56. After the Court made the first Interim Care Order in February 2002 the Council had parental responsibility for L and a specific duty to promote her welfare as well as its general duty to comply with the law, regulations, statutory and other guidance – see Appendix 1. As is clear from the account of events set out above, the Council failed, comprehensively and spectacularly, to fulfill its parental responsibility for L or to promote her welfare - this is the over-arching maladministration in this case.
57. L's needs were never assessed in accordance with the 2000 statutory guidance 'Framework for the Assessment of Children in Need' (see Appendix 1 paras 96-97). The County Council said that the National Assessment Framework came into effect in June 2000 and was still being 'rolled out' in Cheshire during the following year. I do not accept that this gives any justification for the County Council's failure. L was placed in the County Council's care in 2002 and the guidance makes it clear that assessments should not be a 'one-off', initial activity. The County Council's failure to properly assess L's needs throughout the 6+ years that she was in its care was maladministration.
58. The effect of the Care Order was to give the County Council parental responsibility for L and the power to determine the extent to which L's mother may meet her parental responsibility for L (see Appendix 1 para 98). The first Looked After Child Review after the Court granted a full Care Order to the Council is recorded as noting that the purpose of the Care Order was '*...to provide additional parental responsibility support [L] when her mum...is not able to do so...*' This seems to me to be a fundamentally flawed interpretation of the law and a probable reason for the County Council's failures and maladministration.
59. Although there are numerous references in the County Council's documents to L being with her mother under the Placement with Parents Regulations (see Appendix 1 paras 101-103), the County Council has been unable to produce the written and signed agreement with her mother that the Regulations require. The County Council says that one was probably not produced because it was believed that L's mother would not sign it. The Regulations state categorically that a child should not be placed '*...unless and until such an agreement...*' has been reached and recorded in writing. The County Council acted with maladministration in placing L with her mother without complying with the Placement with Parents Regulations. Its apparent belief that L's mother would not agree should have caused the County Council to realise that it was in breach of the law by making the placement and to question the wisdom of doing so.
60. The Placement with Parents Regulations required the County Council to visit L within a week of being placed with her mother (i.e. within a week of the decision to

place her there after the first Interim Care Order in February 2002), at least every six weeks until March 2003 and then at least every 3 months. The first record I have seen of a social worker's contact with L is Social Worker 2's introductory meeting with her and her mother in the library in mid-June 2002. Between July 2002 and November 2003 there are records of 11 contacts, six were home visits at which L was seen with her mother. There is only one record of Social Worker 2 seeing L alone - this was when he went to the Library. From September 2003 Social Worker 2 expressed concerns that he was not able to fulfill his duties toward L.

61. L's case was not allocated to a Social Worker from November 2003 to May 2004.
62. The community support worker saw L in late April and early May 2002 and regularly between September and December 2002 but stopped working with her in February 2003.
63. The County Council failed to see L alone and to satisfy itself that her welfare was appropriately provided for by the placement with her mother. This was maladministration. Although Social Worker 2 made it clear that he was unable to fulfill his statutory duties, there is no evidence that more senior officers realised that this meant that L's placement with her mother was in breach of the law or took effective action to remedy the situation⁵.
64. I am astounded that this breach of the law was not identified when the case was referred to a 'Legal Gatekeeping Meeting' in October 2003. One outcome of that meeting was to consider revoking the Care Order i.e. returning parental responsibility for L to her mother. It is impossible to comprehend how this could be seen as compatible with the County Council's general and specific duties to safeguard L and promote her welfare. The County Council failed to give proper consideration at this meeting to all the relevant issues and failed to take immediate steps to comply with the law. This was maladministration.
65. The County Council came close to complying with the statutory requirement to hold LAC reviews every six months (see Appendix 1 paras 99-100). However, it complied in form rather than substance. The same issues were raised at each review and then allowed to drift. The impression given by the review documents is of purposeless paperwork and ineffectual 'going through the motions'. Despite recording clear cause for grave concerns, the Looked After Child (LAC) reviews did not result in any sustained action being taken to safeguard L and promote her welfare. This was maladministration.
66. The records of the LAC reviews are not in particularly good order – dates on cover sheets do not tie-in with dates in the main body, only one document is

⁵ I do not consider that referring the matter to the ineffectual 'Legal Gatekeeping Meeting' amounts to effective action

signed, boxes to record who was invited and who attended are blank with attendance recorded in the notes. I asked the County Council to provide me with copies of the notes taken by Social Worker 2 on visits that are listed in the LAC review documents. It was unable to do so and said that the Social Worker queried whether I had quoted the dates accurately. On further checking the County Council was unable to locate records of any visits / meetings on the dates noted in its records. Although this failure to comply maintain complete and accurate records seems less significant than many of the County Council's other failures in this case, it was also maladministration and indicative of a lack of care and rigour.

67. After each LAC Review monitoring and forms were completed by the Chair (later called Independent Reviewing Officer). There are ten monitoring forms. All record that L had not had a health needs assessment and that nothing was known about her dental health, all but one record that nothing was known about her immunisations, eight record that L had not contributed her views to the Review, three record that there were resource deficiencies, and only three record that the form completed by the Social Worker was available before the Review meeting.
68. When asked about the purpose of these forms, the County Council said it was to enable aggregated information to be fed back to management and into annual government returns. The form would be used to gather information on the quality of documentation available, the forms used, and to inform the self-monitoring of standards which in turn would inform the performance assurance service. The County Council said that the management team would use the information to highlight areas that needed further work and any issues about the individual child would be addressed at the review meeting.
69. L's case provides a vivid illustration of how ineffective these forms were in assisting the County Council to ensure that it was adequately safeguarding and promoting the welfare of a child in its care. I have seen no evidence* to indicate that the County Council's officers paid any regard to the information recorded on these forms and or had any system for monitoring and responding to issues identified. This was maladministration.
70. Statutory guidance in 'Education of young people in public care' issued in 2000 (see Appendix 1 para 104) makes it clear that, as a child in the Council's care, L should have had a full-time place at a local mainstream school. There was nothing about L's circumstances that made such provision 'unsuitable' for her – all the evidence was that she had the necessary intellectual capacity. There is no evidence that the County Council officers responsible for safeguarding L and promoting her welfare were aware of this Guidance, and the County Council signally failed to make sustained and significant efforts to comply with it. This was maladministration.

71. I am concerned to note that as late as March 2008 the very senior manager responding to the IIOs report on L's complaint believed that the Council was only required at the time to provide L with five hours tuition per week. This indicates a woefully inadequate understanding of the Council's statutory duties to L.
72. L did not attend school from Easter 2000 and the County Council took no action to use its powers as Local Education Authority to either secure her attendance or ensure that she was receiving a suitable⁶ education by other means (see Appendix 1 paras 87-93). L had missed four entire school terms by the time that Children's Services decided to apply to Court for an Assessment Order in autumn 2001. L's circumstances meant that co-operation between County Council Departments was necessary and that it was appropriate for Children's Services to take precedence. There is no evidence that Children's Services paid proper regard to the importance of L's loss of education or developed any plan to deal with the situation. I have seen no evidence that until July 2004 (when L was 15), the Education Service made any efforts to influence or require Children's Services to act. The County Council's failure to take effective action after L's absence from school was reported by her Primary School in June 2000 was maladministration.
73. The County Council accepted that a Personal Education Plan (PEP) (see Appendix 1 paras 104-105) was never produced for L - despite numerous references in the LAC review documents to the need for her to have one (and a reference to one having been produced). The County Council's failed to comply with the statutory guidance (in force from 2000) that every young person in care should have a PEP. This was maladministration.
74. L had no tuition and so no form of education from March to September 2004 whilst she was in the County Council's care. It was maladministration for the Council to allow this to happen and its failure is all the more serious because L was in its care.
75. The County Council appears to have complied with the legislation and regulations that applied to L as a child leaving care.
76. I have grave reservations about whether the IIO appointed to investigate L's complaints at Stage 2 of the statutory complaints procedure was sufficiently independent of the Department's management to be able to form an impartial and critically reflective view of the issues. The IIO's report show no awareness of any of the serious failures to comply with regulations and guidance identified in this Report, although she explicitly stated that she would focus on whether policies and procedures had been followed.

6 I do not consider tuition for ten hours a week to be 'suitable' for a bright intellectually capable child

77. The very Senior Officer's response to L was, at best, unfortunate albeit that it was informed by a report from the IIO that did not address the key issues thoroughly. I am not prepared to go as far as saying that the Stage 2 investigation report and response were maladministration but I do urge officers to reflect on both the missed opportunity and the negative impact on L of the clear implication that she was held responsible for what happened to her whilst she was a child in the County Council's care.
78. In responding to a draft of this report, L's advocate said, on her behalf,: *'During the course of this complaint, there were many occasions in which L felt that the adults involved in responding to her complaint were not listening to her. Indeed, at times L felt that the more she persevered with her complaint, the more she was being held responsible for the extreme difficulties in her everyday life. This feeling was often unmanageable for L and caused her difficulties in her everyday life. There were very many occasions in which L 'thought about giving up'....Receiving the report by the IIO and attending the meeting in which the IIO outlined her findings marked the most difficult period during this complaint for L. This difficulty was magnified by the very senior manager in Cheshire Social Services' response to L'.*

Injustice

79. As a consequence of the County Council's maladministration L did not attend school from Easter of her last year in primary school until she reached school leaving age. For significant periods she received no education and, at best, had ten hours personal tuition a week at her local library. Once L was old enough to assert her independence from her mother she made tremendous efforts to establish a career and prove herself. Her willingness and ability to do this despite her difficult childhood and adolescence is a tribute to her character, intelligence and capability. It also serves as an illustration of her potential that should humble those professionals who accepted her disrupted and inadequate educational provision as sufficient for a child in their care.
80. There can be no doubt that L was and is capable of achieving a level of education and qualifications that could make a very significant difference to her earning potential. She is succeeding in her current chosen career but it is not secure and at some future point she is likely to have to explore alternatives. Her lack of education and qualifications may then be a major disadvantage for her. The injustice caused to L by the County Council's maladministration is long-term and enduring.

Remedy

81. The County Council recognised the consequences of its failures and acted on the recommendations for the Stage 2 reports that L should:

- have access to leaving care services until she is 25;
- receive financial support to undertake remedial education;
- receive 'creative' help with appropriate accommodation.

In response to a draft of this report, the Chief Executive of Cheshire East Council has assured me that the concerns and findings raised by this report are being taken seriously and that she will advise Councillors to accept my recommendations. I am encouraged by that response.

82. I recommend that Cheshire East Council, as successor to Cheshire County Council should:

- arrange for a very senior representative to meet with L and apologise to her for the maladministration that blighted Cheshire County Council's care of her;
- pay her £1,500 to reflect her time and trouble in pursuing her complaint and her distress caused by Cheshire County Council's response to her complaint;
- make £45,000 available either for immediate investment in purchasing a home (by a shared ownership scheme if necessary) or to be held in an interest-bearing account and released to her when she is 30 years of age or in equal annual thirds when she embarks on and maintains a programme of education leading to qualifications – which ever is the sooner.

83. I also recommend that both successor Councils should consider this report and review their newly established services to children to ensure that:

- adequate resources have been made available to employ sufficient trained and experienced staff;
- all appropriate staff are aware of and properly trained to comply with the requirements created by the law, regulations and guidance;
- effective supervision arrangements are in place;
- information gathered for monitoring purposes is regularly reviewed so that issues of concern are identified and reported to senior managers and an appropriate body of elected Councillors.

Having received and considered L's response to my draft report, I make a further recommendation that a senior representative of Cheshire East Council's Children's Services should meet with L and draw up with her a detailed plan that outlines how she will have access to leaving care services until she is 25; receive

financial support to undertake remedial education; and receive 'creative' help with appropriate accommodation.

Conclusion

84. As noted above, there can be no doubt that the combination of L's circumstances, age and apparent attitude posed a major challenge for the County Council. There is a presumption towards children being raised in their own families and it appears that there were grounds to believe that this was L's wish. However, L's good relationships with her community support worker, Connexions worker and, eventually, her leaving care worker are a very strong indication that it was possible to 'reach' and influence her.
85. The strong impression created by the documents that I have seen is that the difficulties of dealing with L's mother and L's age meant L was effectively 'written off' by the social work staff who dealt with her case. L had five social workers between early 2002 and July 2005. There are strong indications that the Council did not have enough social workers available. The documents that I have seen contain no evidence that the people with parental responsibility for safeguarding L and for promoting her welfare: understood the duties and requirements created by law, regulations and statutory guidance; felt compelled to comply; or had any effective route for any concerns they had about failures to do so.

Post script

86. In response to a draft of this report, L's advocate said, on her behalf:

'L has many ambitions for the future. Whilst she enjoys her current work L does not want 'to be stuck in a dead end job'. She would like to attend University and gain a degree. L is beginning to develop a fragile confidence in her potential and has begun to make plans to remedy her lack of education.'



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23 June 2009

Appendix 1

The relevant law, regulations, and statutory guidance.

School attendance

87. Section 7 of the Education Act 1996 says:

'The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

(a) to his age, ability and aptitude, and

(b) to any special educational needs he may have,

either by regular attendance at school or otherwise.'

88. Section 437 gives the Council the power to make a school attendance orders

'(1) If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise....'

89. Section 443 makes it an offence not to comply with an attendance order.

90. Section 444 says:

'(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.'

91. Section 447 requires that:

'(1) Before instituting proceedings for an offence under section 443 or 444, a local education authority shall consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order with respect to the child.'

92. Section 36(6) of the 1989 Children Act says:

'An education supervision order may not be made with respect to a child who is in the care of a local authority.'

93. In 1999 the Government issued a Circular informing authorities that pupils excluded from schools should receive between 21 – 25 hours of education per week.

General responsibilities to children

94. Section 17(1) of the Children Act 1989 says that it is:

'...the general duty of every local authority:

- (a) to safeguard and promote the welfare of children within their area who are in need; and*
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.'*

95. Section 22 of that Act sets out the 'General duty of local authority in relation to children looked after by them' as:

(1) ...a child who is looked after by a local authority is ...a child who is—

(a) in their care; or ...

(3) It shall be the duty of a local authority looking after any child—

(a) to safeguard and promote his welfare; and

(b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.

(4) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of—

(a) the child;

(b) his parents;

(c) any person who is not a parent of his but who has parental responsibility for him; and

(d) any other person whose wishes and feelings the authority consider to be relevant,

regarding the matter to be decided.

(5) In making any such decision a local authority shall give due consideration—

(a) having regard to his age and understanding, to such wishes and feelings of the child as they have been able to ascertain;

(b) to such wishes and feelings of any person mentioned in subsection (4)(b) to (d) as they have been able to ascertain; and ...

96. Statutory guidance⁷ issued in 2000 'Framework for the Assessment of Children in Need' stresses that safeguarding children has two elements – protecting a child from maltreatment and preventing impairment – and that safeguarding children should not be seen as a separate activity from promoting their welfare which is about '*...creating opportunities to enable children to have optimum life chances in adulthood, as well as ensuring they are growing up in circumstances consistent with the provision of safe and effective care.*'
97. The Guidance states that:
- assessments should take account of three domains: the child's developmental needs; the parents' or caregivers' capacities to respond appropriately; wider family and environmental factors;
 - the domain of a child's development needs includes health, education, emotional behavioural development, identity, family and social relationships, social presentation, self care skills;
 - assessments should continue throughout a period of intervention.

Care Orders

98. Once the Court made a Care Order for L, under the 1989 Children Act the County Council had:
- the duty '*...to receive the child into their care and to keep him in their care while the order remains in force.*' Section 33(1)
 - '*... parental responsibility for the child*' (Section 33(2)(a); and
 - '*...the power ...to determine the extent to which a parent or guardian of the child may meet his parental responsibility for him.*' (Section 33(2)(b).

Looked After Children

99. The 1991 Review of Children's Cases Regulation 3 required that L's case must be reviewed within four weeks of the first Care Order, again within three months, and then every six months.

⁷ Guidance that local authorities have a duty to follow unless there are exceptional local reasons justifying departure

100. From September 2004 the Regulations required the Council to appoint an Independent Reviewing Officer who had no involvement in managing the case to:

- chair and participate in the review;
- monitor the Council's performance in respect of the review;
- refer the case to an officer of the Children and Family Court Advisory and Support Service if appropriate to do so;
- ensure that the child's views are understood and taken into account;
- ensure that the persons responsible for implementing any decision of the review are identified; and
- make senior officers aware of any failure to review the case or to implement decisions taken during or as a result of a review.

Placement with Parent

101. Once the Council had decided to place L with her mother, the 1991 Placement of Children with Parents Regulation 7 required the Council to '*...seek to reach agreement..*' with her mother '*...on all the particulars, so far as is practicable, specified in Schedule 2 and the placement shall not be put into effect unless and until such an agreement on all such particulars has been reached and recorded in writing and a copy of it has been given or sent to that person.*'

102. The particulars specified in Schedule 2 includes:

- plans for the child and the objectives of the placement;
- arrangements for support of the placement;
- arrangements for visiting the child to supervise the placement;
- removing the child from the placement if it appeared to the Council that it was no longer in accordance with its duty to safeguard and promote the child's welfare or would prejudice the safety of the child;.
- a statement about the child's health and need for health care and surveillance,;
- a statement about the child's educational needs and the local authority's arrangements to provide for all such needs.

103. Regulation 9 required the Council to satisfy itself that L's welfare was appropriately provided for by the placement with her mother and:

'...(b) make arrangements for a person authorised by the local authority to visit the child from time to time as necessary but in any event—

(i) within one week of the beginning of the placement,

(ii) at intervals of not more than 6 weeks during the first year of the placement,

(iii) thereafter at intervals of not more than three months and also whenever reasonably requested by the child or the person with whom the child is placed and for the person so authorised to make arrangements, so far as practicable, on each visit to see the child alone.'

Personal Education Plans

104. In 2000, the Government produced 'Education of young people in public care' to guide local authorities. The sections that were statutory guidance include:

'Every child and young person in public care needs a Personal Education Plan which ensures access to services and support; contributes to stability, minimises disruption and broken schooling; signals particular and special needs; establishes clear goals and acts as a record of progress and achievement.'

'Securing an educational placement is one of the main criteria which must be used in identifying a suitable care placement. This should generally be taken to mean a fulltime place in a local mainstream school, commencing without delay. Other than for clear health and safety reasons, for example when a child needs a place of safety immediately, care placements should not be made unless an appropriate level of education will be provided.'

'The Government expects local authorities to set a maximum time limit of twenty school days within which they must secure an education placement for any pupil in public care. It will be a full-time place in a local mainstream school unless the circumstances of the child make full-time or local or mainstream provision unsuitable.'

105. In addition, local authorities were advised that:

The PEP should be sensitive to the diverse needs of children and young people and should focus on the action that is required for them to fulfil their potential. Plans should set clear objectives or targets for the young person which relate to academic achievement as well as other personal and, if

appropriate, behavioural targets, and details of who will action the plan with timescales for action and review. It will cover the following four areas: **an achievement record** (academic or otherwise); identification of **developmental and educational needs** (short and long term, development of skills, knowledge or subject areas and experiences); **short-term targets** including progress monitoring; and **long term plans and aspirations** (targets including progress, careers plans and aspirations). The latter might be broken into shorter-term, achievable goals.'

and

The social worker is responsible for initiating a PEP in partnership with the child or young person, designated teacher, parent and/or relevant family member, carer and any other person. Local Authority policies should set down who will co-ordinate any necessary action..., The PEP should be agreed as soon as possible and at least within 20 school days of entering care or of joining a new school. Thus in the case of a child entering care the PEP should be prepared in time for the first review (the 28 day review). Where a child or young person is without a school place it would be helpful for the LEA to provide an officer to liaise with the social worker on a PEP.

Leaving Care

106. The Children (Leaving Care) Act 2000 introduced new sections into the 1989 Children Act:

Schedule 2:

19 (A) It is the duty of the local authority looking after a child to advise, assist and befriend him with a view to promoting his welfare when they have ceased to look after him.

19B (4) ... the local authority shall carry out an assessment of his needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him under this Act—

(a) while they are still looking after him; and

(b) after they cease to look after him,

and shall then prepare a pathway plan for him.

(5) The local authority shall keep the pathway plan under regular review.

19C A local authority shall arrange for each child whom they are looking after who is an eligible child for the purposes of paragraph 19B to have a personal adviser.

Section 23E requires that a pathway plan should set out:

(i) the advice, assistance and support that the local authority intend to provide to a child both while looking after him and later; and

(ii) when they might cease to look after him.'

The Children (Leaving Care) (England) Regulations 2001

107. These Regulations required the Council to assess L's needs within 3 months of her 16th birthday and to prepare a pathway plan as soon as possible after that assessment. The pathway plan must set out:

'(a) the manner in which the responsible authority proposes to meet the needs of the child; and

(b) the date by which, and by whom, any action required to implement any aspect of the plan will be carried out.' (Regulation 8(2))

108. Regulation 12 sets out the role of the Personal Adviser as:

to provide advice (including practical advice) and support;

where applicable, to participate in this assessment and the preparation of this pathway plan;

to participate in reviews of the pathway plan;

to liaise with the responsible authority in the implementation of the pathway plan;

to co-ordinate the provision of services, and to take reasonable steps to ensure that he makes use of such services;

to keep informed about his progress and wellbeing; and

to keep a written record of contact with him.