

Cheshire East Council

Cabinet

Date of Meeting: 19 January 2016

Report of: Kath O'Dwyer
Deputy Chief Executive/Director of Children's Services

Subject/Title: Corporate Parenting Committee

Portfolio Holder: Cllr Rachel Bailey, Children and Families

1. Report Summary

- 1.1. This report proposes the establishment of a new Corporate Parenting Committee to ensure that the Council, with its partners, effectively discharges its role as Corporate Parents for all their children in care.

2. Recommendation

2.1 It is recommended that:

- a) Cabinet appoints a Corporate Parenting Committee, with cross party membership of 12 Elected Members and the terms of reference at Appendix 1;
- b) The Committee shall have the status of an advisory committee and include representative young people from the Children in Care Council to perform an advisory role to the Committee;
- c) The Committee shall, once its membership has been agreed, formally commence its role; and
- d) The existence of the Committee be noted in the Council's constitution.

3. Other Options Considered

- 3.1. There are a number of different models for a Corporate Parenting Board or Committee. One option is to operate the Corporate Parenting Board as an officer group, with member involvement. This has been the model to date. However, this group has not provided a strategic level of accountability around services for cared for children and does not have the influence to make some of the changes needed to other services within the Council.
- 3.2. Another option would be for the Children and Families Overview and Scrutiny Committee to take up this role. Whilst part of the function of Scrutiny Committee is to monitor the effectiveness of services for cared for children, this is not the same as leadership, and is unlikely to result in an effective strategy for corporate parenting.

- 3.3. Thirdly, an option would be to assign the role to another partnership, such as the Children and Young People's Trust or Local Safeguarding Children Board. Whilst these boards need to monitor and challenge outcomes for cared for children, their remit is much wider and they would be unlikely to give the needs of cared for children the necessary focus. The advantage of establishing a Corporate Parenting Committee is that it gives it the importance, status and influence of a formal council committee. The leadership and commitment of Elected Members in their role as corporate parents is of critical importance in achieving good outcomes for children and young people in care.

4. Reasons for Recommendation

- 4.1. Corporate parenting is a statutory function of the Council. The Corporate Parenting Committee will act in an advisory role to Cabinet, which will assist the Council in continuing to fulfil its legal obligations and responsibilities towards cared for children and care leavers and provide the strategic direction to ensure that they are effectively supported to reach their potential through the provision of excellent parenting, high quality education, opportunities to develop their talents and skills, and effective support for their transition to adulthood.

5. Background

- 5.1. As at the end of November 2015, there were 395 children and young people in the care of Cheshire East Council and 221 care leavers. A child or young person is 'looked after' if they are subject to a Care Order or are being looked after under a voluntary agreement, subject to the Children Act 1989. The local authority has a statutory duty to those aged 0- 18 years and up to 21 years as care leavers or 24 years if they are in full time education. In Cheshire East, these young people decided that they wanted to be called 'cared for', so this is the term generally used in Cheshire East.
- 5.2. When these children and young people come into care, the Council takes on a role described as 'Corporate Parent'. The term 'Corporate Parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after by the Council to provide a standard of care that would be good enough for their own children.
- 5.3. The current iteration of the legal corporate parent responsibility comes from section 22 of the Children Act 1989, which imposes a duty on local authorities to safeguard and promote the welfare of each child they look after. Several pieces of more recent legislation have built on this including extending this to cover care leavers, requiring other local agencies to cooperate with the local authority and various duties in planning and reviewing care for individuals and as a locality. These are supported by a suite of statutory guidance, which helps explain what these duties mean in practice, and to which local authorities must have regard.

- 5.4. The corporate parenting responsibility rests with all councillors and council officers and extends into district councils, where they exist, and other local agencies. How involved individuals may be will depend on their role, with Directors of Children's Services and Lead Members having this responsibility as a core focus. Many decisions and functions, however, as diverse as leisure, health, planning and school governance, can have an impact on the wellbeing of looked after children.
- 5.5. Children and young people who are looked after by the local authority rather than their parents are amongst the most vulnerable groups in our community. Outcomes for this group are generally poor and, as corporate parents, the Council has the responsibility to keep them safe, make sure their experiences in care are positive and improve their on-going life chances.
- 5.6. The existing Corporate Parenting Board is made up of officers from within the Council, jointly chaired by the Portfolio Holder for Children and Families and young people representatives from the Children in Care Council. Whilst this group has been effective in developing and monitoring a strategy for cared for children and care leavers, it does not have influence at a policy level. Under the proposed governance arrangements, this group would continue to meet to deliver the strategy and provide information and advice to the Corporate Parenting Committee.
- 5.7. A recent Ofsted inspection has identified a number of areas for improvement in relation to cared for children and care leavers. A new Children's Improvement Plan will set out how these areas for improvement will be addressed. The proposed governance arrangements puts individual boards responsible for delivering, monitoring and challenging progress against the improvement plan. The Health and Wellbeing Board will be the accountable body for overseeing the 'sign off' of action plans.
- 5.8. As part of the governance arrangements for the improvement plan, it is proposed to establish a new Corporate Parenting Committee which would be an advisory committee of Cabinet, given that as a matter of law the Committee will be. The proposed terms of reference for this group are attached at Appendix 1. The current Board is co-chaired with young people and it is proposed that representatives from the Children in Care Council would perform an advisory role in respect of the Committee.
- 5.9. Nevertheless, Cabinet may choose to appoint the Committee on a cross-party basis which, in line with current political proportionality, would have a membership of 8:2:2 (Conservative, Labour, and Independent).

6. Wards Affected and Local Ward Members

- 6.1. The recommendations will affect a small percentage of children and young people across all areas of Cheshire East. Our cared for children live across Cheshire East and some are placed outside of the borough.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The proposal is expected to put cared for children, young people and care leavers at the centre of Council policy and decision making.

7.2. Legal Implications

- 7.2.1. There are a number of pieces of legislation and statutory guidance that set out the role of the local authority in respect of cared for children and care leavers. There are statutory obligations and guidance for the role of the Local Authority as the Corporate Parent in the Children's Act 1989 and 2004, and the Children and Young People Act 2008.
- 7.2.2. *The Children Act 1989* is the primary legislation setting out the local authority's responsibility to children 'in need', including cared for children. Section 22 imposes a duty on local authorities to safeguard and promote the welfare of each child they look after. *Section 27 of the Children's Act 1989* (amended 2006) places a duty on Housing, Education and Health Authorities to assist with Corporate Parenting.
- 7.2.3. *The Children (Leaving Care) Act 2000* extended the responsibility of the local authority to young people leaving care, requiring them to plan the young person's transition to adulthood and provide ongoing advice and assistance until at least the age of 21.
- 7.2.4. *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review Regulations 2010 and Statutory Guidance* clarify the expectations of care planning and review for cared for children and strengthen the role of the Independent Reviewing Officer (IRO) to challenge when identified needs are not being met. The manager of the service is required to prepare an annual report that should be made available to corporate parents.
- 7.2.5. *The Children Act 1989 Guidance and Regulations Volume3: Planning Transitions to Adulthood for Care Leavers* gives details of how care-leavers should be provided with comprehensive personal support so that they achieve their potential as they make their transition to adulthood. It includes the need for care-leavers to be living in suitable accommodation and receiving support to continue in education or training and to find employment
- 7.2.6. *The Adoption and Children Act 2002* required all local authorities to appoint Independent Reviewing Officers (IROs) to review the care plans of looked after children, and the Act introduced Special Guardianship orders that provide permanence for children but are alternatives to adoption.
- 7.2.7. *The Children and Young Persons Act 2008* requires local authorities to take steps to secure sufficient suitable accommodation for looked after

children within their area that meets their needs. It also strengthens the care planning process and the role of the Independent Reviewing Officer in monitoring the plan, and children's health and education plans are essential components of this.

7.2.8. *Statutory Guidance on Promoting the Health and Well-being of Looked After Children, 2002*, placed the contribution of NHS agencies towards meeting the needs of looked after children on a statutory footing.

7.2.9. *Promoting the Education of Looked After Children: Statutory Guidance for Local Authorities, 2014*, updates the 2010 statutory guidance clarifying the duty to actively support cared for children's education. The guidance details the duty local authorities and Virtual School Heads have to promote the educational achievement of the children they look after, including those placed out-of-authority.

7.2.10. The Children Act 2004, s52 inserted paragraph 3A to s22 of the Children Act 1989 being:-

22 (3A)The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes in particular a duty to promote the child's educational achievement.

7.2.11. The Children & Families Act 2014 s99 inserted paragraph 3B and 3C to the Children Act 1989 being:-

In the Children Act 1989, in section 22 after subsection (3A) (duty of local authorities to promote the educational achievement of looked after children) insert:-

22 (3B)A local authority in England must appoint at least one person for the purpose of discharging the duty imposed by virtue of subsection (3A).

22 (3C)A person appointed by a local authority under subsection (3B) must be an officer employed by that authority or another local authority in England."

7.2.12. *Statutory Guidance: Securing Sufficient Accommodation for Looked After Children, 2010*, requires local authorities to develop a plan to secure sufficient accommodation for cared for after children within their local authority area and which meets their needs. They can only do this if they work in partnership with other agencies as the requirement is not just about accommodation and placements but also securing a 'diverse range of universal, targeted and specialist services working together to meet children's needs' and applies not only to cared for children, but also those on the edge of care and at risk of custody.

7.3. Financial Implications

7.3.1. Bringing children into the care of the local authority represents a significant cost for the Council. The Corporate Parenting Committee would be better able to monitor these costs and the implications of keeping

children and young people in care. There will be some costs to the Council in establishing a Committee in terms of administration and Elected Member time.

7.4. Equality Implications

7.4.1. None at this stage.

7.5. Rural Community Implications

7.5.1. None identified at this stage.

7.6. Human Resources Implications

7.6.1. There are no human resource implications.

7.7. Public Health Implications

7.7.1. Cared for children are more at risk of health inequalities than their peers. The proposals are expected to improve the awareness and response in respect of these health needs.

7.8. Other Implications

7.8.1. None.

8. Risk Management

8.1. Cared for children are a vulnerable group that are risk of a number of factors – poor education and training, health, safeguarding and transition into adulthood. The creation of a Corporate Parenting Committee would enable these risks to be properly monitored and evaluated.

9. Access to Information/Bibliography

9.1. The legislation and key statutory documents in relation to cared for children and young people and cared leavers are set in this paper.

10. Contact Information

Contact details for this report are as follows:

Name:	Kath O'Dwyer
Designation:	Deputy Chief Executive/Director of Children's Services
Tel. No:	01270 371105
Email:	Kath.O'Dwyer@cheshireeast.gov.uk