

## **PROTECTING CHILDREN IN KENT**

### **Executive summary of findings**

1. The precise remit of this review, which incorporates the Secretary of State's request for local quality-assurance reviews and the requirements of the County Council's resolution of 11 December 2008, is set out in the Review Plan, attached as Annex 1 to this report. This is a 'live' document and the version attached is the version current at the time of this report's publication.
2. This report has been prepared specifically with regard to Phase 1 of the review – that is to say, quality-assuring the robustness of KCC's Children's Social Services' child protection arrangements – and in order to meet the timetable for reporting to the Children's Champions Board on 12 February 2009. The reports asks:-
  - Are existing child protection practices, procedures and policies effectively protecting children from abuse?
  - Are there examples of good practice by Children Social Services with regard to child protection?
  - Are staff able to carry out their jobs effectively?
  - Are there any impediments to staff effectiveness?
  - Are there any urgent actions that need to be taken?

#### **The first key finding of the first phase of the review is:**

**- there is evidence of sound professional practice in CSS, with appropriate child protection plans, demonstrating satisfactory risk-assessment and multidisciplinary and inter-agency working.**

3. This finding is based on examination of electronic and hard-copy case-records on a small sample of cases which meet the criteria, identified by the NSPCC for identifying cases where the Society considers children may be at greatest vulnerability to harm, and which the County Council resolution specified.

#### **The second key finding of the first phase of the review is:**

**- CSS is learning from and applying the lessons applicable to it from Serious Case Reviews (SCRs) conducted under the aegis of the Kent Children's Safeguarding Board (KCSB).**

4. This finding is based on a study of confidential reports prepared by CSS and the KCSB with regard to the 5 SCRs undertaken in Kent since April 2007. (NB – the need to "learn lessons" is not an indication of failure or culpability on the part of CSS for the events that triggered the SCRs.)

#### **The third key finding of the first phase of the review is:**

**- although not critical, the effectiveness of professional competence of frontline staff and their supervisory staff is potentially blunted by capacity issues related to caseload sizes in some teams, vacancy rates in some**

**teams and the demands on social worker's and supervisory staff's time from the requirements of the current electronic Integrated Children's System.**

5. This finding is based on the review team's own access to and use of ICS, the study of case-files, the study of internal documents and management information reports, interviews with officers in Policy & Performance, and CSS managers and staff.

**The fourth key finding of the first phase of the review is:**

**- Children Social Services can be deemed to be complying, save for some identified exceptions, with the Climbie Inquiry recommendations. In the view of the review team, these exceptions, although requiring corrective action in some instances, are not indicative of dangerous practice.**

6. This conclusion is based on the review team's examination of the final Climbie Inquiry Report recommendations, the Government's response to them and an analysis of how that has been translated into national legislation, regulation and guidance and then locally applied.

## **Introduction and context**

7. This review of child protection arrangements in Kent has been prompted by events in Haringey in late 2008, following the death of Baby P there in 2007 and by the request by the Secretary of State for Children, Families & Schools that all children's social services authorities quality-assure their arrangements for child protection. It is, of course, also prompted by the County Council's resolution of 11 December 2008, with its clear focus on child protection and managing risk.
8. Understanding the context of this review is crucial. Concerns over the protection of children from harm and neglect date back, as a fundamental concern of public policy, to the 1948 Children Act and the founding of the modern welfare state at the end of WWII. What is distinctive about the Baby P case is that it took place in the same area where another child's death had prompted the Climbié Inquiry, chaired by Lord Laming, just a few years previously. That inquiry had itself led to a major overhaul of legislation, policy and organisation in England, actions intended to avoid such a reoccurrence.
9. At the core of the new policy direction in England has been Every Child Matters. This 2003 Green Paper, published alongside the government's formal response to the Climbié Inquiry, was subsequently put into legislation via the Children Act 2004, to deliver 5 key outcomes for all children and young people:
  - be healthy,
  - stay safe,
  - enjoy and achieve,
  - make a positive contribution,
  - achieve economic well-being.
10. This has been accompanied by organisational changes bringing together children services and LEA functions in the great majority of upper-tier councils; the creation of the statutory role of Director of Children Services; new guidance on safeguarding children, including how local interagency child safeguarding arrangements are constituted; the development of children's trusts through the new duty to cooperate and the drive towards a single, England-wide approach to electronic case-recording in Children's Social Services.
11. One of the other changes, rarely commented upon until very recently, that has most directly had an impact on frontline practitioners has been the introduction since April 2008 of new guidance on legal proceedings, following the 2006 Public Law Outline (PLO) review. Under the PLO, councils must comply with an exhaustive pre-proceedings checklist before applying for an order, including exploring the possibility of placing children with extended family members, completing core assessment, the care plan and a social work chronology. Courts prescribe their preferred formats for this being documented. The purpose is to reduce the need for care proceedings and to speed up those that are necessary.

12. This has constituted a fundamental change in how courts handle proceedings involving children, including cases which involve abuse and neglect, and how Children Social Services must prepare their cases for the courts' consideration even before proceedings can commence. Intended to streamline and simplify the processes involved, most practitioners outside of the system for the administration of justice now consider that the changes to have had the opposite, if unintentional, effect, particularly at the earlier commencement stages.
13. Similarly, the introduction of a national system of electronic recording (the Integrated Children's System) has also been experienced in its current stages of implementation, as an additional and time-consuming burden on social work practice. The findings of this review confirm that in Kent the introduction of the ICS and the Public Law Outline since April 2008 are proving to be a considerable addition to the demands on the time of front-line staff, in marked contrast to what was expected from their introduction.
14. KCC introduced a comprehensive competence-based career structure for social workers several years ago. This was developed in partnership with colleges and universities in Kent and a key component was the "ready for practice" programme. This enabled KCC to "grow" its own professional workforce from scratch, as it were, by taking on and developing unqualified staff and then supporting them through to qualification and beyond in their post-qualifying career progression.
15. Whilst most of the competence-based career framework remains in place, the decisions to not retain the Consultant Practitioner posts and to scale back the entry to the "ready for practice" programme appear to have compounded the vacancy difficulties faced in the last year.
16. Members will be aware from recent national reports that some 1 in 7 social work posts in English councils are said to be currently vacant. KCC's vacancy rate of 17% for qualified staff is currently much of this order. Some years ago, the vacancy rate stood between 4% and 7%. Whilst a straight comparison can not be made between the two sets of figures as the methods of calculation have changed, there is consensus that the situation has deteriorated over the last year. The current average of 17% needs to be seen in the context of a very small number of teams with vacancy rates temporarily in excess of 25%. This is a matter of real concern, the more so as the sustained undermining of social workers in various media only further diminishes the attractiveness of a career in social work.
17. We are of the view, albeit with the benefit of hindsight, that some earlier decisions concerning the reduction of administrative and support staff in local teams in advance of the anticipated efficiency gains from ICS need to be

urgently revisited as the problems of implementation. The problems are associated with both with the system itself and with technical difficulties and they will have only compounded the recruitment and retention difficulties currently encountered. The additional resources to start tackling these front-line capacity issues are already identified in the draft budget for 2009/10.

18. This reinforces the importance of having both competence and capacity in the front-line of children's services and the review's initial recommendations focus very much on capacity-building and refocusing on professional competence, via strengthened supervision and support in local teams and through renewed and strengthened training and practice development partnerships with local universities.
19. Finally, by way of introduction, it is to be remembered that child protection is not the sole domain of Children's Social services, although the current legal framework places the lead statutory responsibility exclusively on the shoulders of Directors of Children's Services and the councils that employ them. The Police, schools, health colleagues and others have a critical role to play too.
20. The second phase of this review will focus on the extent to which the Kent Children Safeguarding Board and its partner agencies are working effectively together to deliver the post-Climbie policy changes and that arrangements through local safeguarding boards ensure that agencies can be held individually and collectively to local account and enjoy public confidence. This will need to look at referral processes and the important considerations about thresholds around neglect and the "children in need" category, examining in detail what lies beneath the significant increase in the numbers over the last 4 years of children needing a child protection plan.
21. The third phase will draw together the findings on the local circumstances identified in the first two phases and reflect on how the development of national policy post-Climbie has actually worked out in delivery, compared to the policy intentions and recommendations which flowed from the Climbie Inquiry.

## **Discussion of compliance, competence and capacity.**

22. Although a 'landmark' public inquiry, it needs to be remembered that the 108 recommendations itemised in the initial Climbie Inquiry Report (and the 30 recommendations from the contemporaneous Joint Chief Inspectors' Report) were not translated verbatim, as it were, into subsequent legislation, regulation or guidance. This makes the question of "compliance with the Climbie Inquiry Report" a complex one. The imminently-expected publication of Lord Laming's updating report, commissioned by the Secretary of State in November 2008 will be helpful during subsequent stages of this review in being clear about what "compliance with Climbie" effectively means.
23. For the interim, we have looked to compliance with current protection and safeguarding procedures, highly regarded by the Joint Area Review Inspection Team in 2008, as our proxy benchmark for judging compliance.
24. On the case-audit based on the small sample we have examined so far, it would not be possible to give a guarantee of full compliance, even if that could be precisely described. The 'exceptions', noted from case-records and self-assessment questionnaires, are predominantly in connection with, for example, the timescales on notifying referrers of outcomes or the comprehensiveness of agency checks in the initiation of S7 investigations or the inclusivity of participation in initial strategy discussions. This is not to say actions were not done in compliance, rather that the case-recording cannot confirm they were so done.
25. It has been noted from discussions with front-line, management and policy/performance staff that even prior to our review (and reflected in responses to the self-assessment questionnaire) that CSS had commenced its own stock-take in areas of practice identified in the Haringey mini-JAR and where shortcomings were being identified, remedial action was being taken.
26. On this basis, therefore, as set out in the key finding in the Executive Summary, we can state with some confidence that where there are issues of non-compliance, there is no evidence that this has led to unsafe or dangerous practice but indeed we can give some assurance that there are internal systems in place to identify and rectify such practice and thus minimise the potential risks arising from non-compliance.
27. Members will be aware from comments in paragraphs 8 and 9 in the introduction that there are some significant grounds for concern over capacity as a result of a deteriorating vacancy position in local CSS teams. This is not a situation specific to Kent but nor are there simple quick-fixes either.
28. The capacity of a team can not be simply measured by its vacancy rate or simple measurements of caseload size. However, the worsening of the vacancy levels is linked to the situation regarding caseloads. Current estimates are that the average caseload for a qualified social worker in Kent is about 25, which – on average – will include 4 cases of children with child

protection plans, just over 4 cases of looked-after children, with the balance predominantly comprising cases of children in need.

29. Trend data for child protection cases shows a steady increase in the number deemed, through the case conferencing arrangements, to require a formal child protection plan. In December 2007 the figure stood at 903 and by December 2008 it had risen to 1052, with a net (additions over removals) increase of 44 in December 2008, the month after the publication of the mini-JAR, whilst other information from the self-assessment questionnaire suggests a simultaneous spike in new referrals, strategy discussions and subsequent Section 47 investigations and initial conferences.
30. This would suggest a shift has taken place in how thresholds for intervention are being interpreted and applied. This is an important issue which the review will need to examine in greater detail during phase 2 when looking at inter-agency protection and safeguarding arrangements.
31. This caseload average masks variations between districts and between disability, duty/initial assessment and long-term teams. Another consideration is that CSS also has a robust policy of protected caseloads for newly-qualified social workers in their first year of post-qualifying practice. There is no absolute figure or formula for determining the 'ideal' caseload size but it is to be noted that the current average of 25 compares unfavourably to the caseload of 18 of the social worker in the Baby P case in Haringey, a figure which the mini-JAR considered to be a high number. The reassurance that can be given is to be found in the responses to the self-assessment questionnaire from which it is clear that teams are clear about where their priorities lie and have arrangements in place to actively manage demand, caseload numbers and the effects of vacancies.
32. Competent staff will be less effective unless there is the right mix of practitioners, good quality supervision, sufficient team support and user-friendly systems that enables them to undertake demanding work and make difficult risk assessments and have the confidence to manage those risks. This is why our recommendations look to improve the whole 'package' of recruitment and – perhaps more importantly in the longer run – retention, rather than seeking to define an 'acceptable' level of vacancies or 'ideal' caseload size.
33. The recommendations set out below reflect the priority that is necessary to address current caseload and workload pressures. These have come together in recent months from the effects of vacancies, increased referral rates, the additional demands on social worker's time from the implementation of ICS and the introduction of new court proceedings via the Public Law Outline.

## Conclusions and recommendations

34. **The review team is of the clear view that whilst systems and procedures play important roles, the protection of vulnerable children fundamentally relies on sound professional practice by social workers and others, armed with skills in assessing risk, skills in working directly with families and in a spirit of ‘respectful scepticism’, skills (and confidence in those skills) to make inherently difficult judgements and who are supported to exercise those skills by sound professional supervision, training and management and are motivated by the recognition and promise of a career path that values their skills and expertise and seeks to keep these qualities close to practice.**
35. On the strength of the evidence seen so far, the review team is able to assure members of the Children’s Champions Board that, notwithstanding the concerns identified over vacancies and caseloads, there is a bedrock of sound professional practice and sound professional supervision and a clear sense of priority for protection in terms of the work undertaken to safeguard vulnerable children by Kent’s Children’s Social Services.
36. However, the assessment of practice has been based on a small sample of cases where reviewers have had access to **all** the relevant case-file materials. The quality of information where case-audit has been solely reliant on the ICS system is not sufficiently complete or robust to give a similar degree of assurance, at this stage.
37. Staff throughout CSS have been frank in their critique of the Integrated Children System in interviews and in their responses to the self-assessment questionnaire. Senior managers in CSS have worked hard over the last year to deliver a system which is fully compliant with DCFS requirements. This has not been achievable and it is now recognised that the current version of ICS is not fit for purpose and that it would be an unwise policy to become reliant on the ICS system for either maintaining the high standard of case-recording essential to underpin good professional practice or as the primary source of reliable management information.
38. Considerable effort has been made to improve data-quality with regard to data migrated from the previous system (Anite SWIFT) and to improve the accuracy of current case data-entry. Technical difficulties have made the latter a particularly onerous activity for practitioners with “screen-freezing” and “system lock-outs” steadily eroding what initial enthusiasm there was as well as creating risk in case-management terms.
39. **Recommendation 1.** We recommend an extension of the case-audit work to a larger sample of comprehensive (ie electronic AND hard copy) case-files over the next 5-6 weeks so that a higher level of confidence can be attached to the case-audit findings and that a further quality assurance report be submitted to Members at a time to be agreed.

40. **Recommendation 2.** We recommend that, as a matter of urgency, the work already initiated to rationalise, simplify and streamline the use of ICS exemplars is expedited and that interim guidance is provided to all relevant staff to stabilise recording practices in respect of electronic and hard copy records.
41. **Recommendation 3.** We recommend the planned ending of the practice whereby only social work practitioner staff are permitted to undertake data entry on ICS. This would be a significant change and the managers of CSS will need to satisfy themselves that sufficient administrative and support staff in local teams have been suitably trained prior to this change of practice being implemented. We would not discourage practitioners from using the system where this is agreed with their supervisory staff to be an effective and productive use of their time.
42. **Recommendation 4.** In increasing the practitioner establishment of local teams, we recommend that provision is made for strengthening professional supervision through the role of senior practitioners. We further recommend the re-instatement of Area Consultant Practitioner posts, managed within Areas but with a clear practice development and quality assurance accountability to the Policy & Performance Unit. We recommend that Area Consultant Practitioners are tasked with strengthening pre- and post-qualifying training by actively developing links with Kent's local universities.
43. **Recommendation 5.** We recommend the establishment of a senior consultant practitioner post, in a corporate 'head of profession' advisory role, reporting directly to the Chief Executive, as part of the necessary internal checks and balances. Details of this post will be subject to further deliberation.
44. **Recommendation 6.** We recommend that as part of the authority's own performance monitoring regime, the Policy & Performance Unit are asked to devise an annual programme of practice audits, the results of which are to be publicly reported to Children, Families & Education Policy Overview Committee – and Cabinet/County Council as appropriate.
45. **Recommendation 7.** We recommend that the Chief Executive leads on strategic discussions with the Vice Chancellors and Deans of Social Work Schools and the Director of Children Services to develop improved pre- and post-qualifying training specifically on child protection social work for the benefit of those practising in Kent.

In conclusion.

46. It is evident, in the aftermath of the Baby P case in Haringey, that public confidence in the ability of public services to protect vulnerable children has again been dented. In anticipation of Lord Laming's soon-to-be-published 'updating' report, it is prudent to think about finding ways in which greater transparency might help restore public confidence in how children are routinely and safely protected in Kent. There are matters of balancing

confidentiality and proper public interest to consider but it seems unlikely that public confidence will be restored without greater local transparency and accountability – matters which will need to be considered with partners from all the agencies involved during the next stage of the review.

47. The County Council's draft budget for 2009/10 proposes investing an additional £1.5m per annum from April 2009 onwards in the Children's Social Services budget. In line with the view that building competence and capacity in local teams is the best way of protecting vulnerable children, it is evident that the major proportion of this additional resource will be best allocated to additional practitioner posts, additional support staff to free them up for direct work with children and their families and to the professional support of high-quality supervision and training.
48. It is not in the remit of the review to specify how this is done but the review team will wish to ensure that its recommendations are taken fully on board in the service realignment work already underway, in discussions with the CFE SMT, subject to the outcomes of the discussions with Members at the Children's Champions Board and beyond.
- 49. Finally, on a personal note as the Chief Executive, I wish to record my recognition that front-line are clearly working diligently in difficult circumstances and, whilst there is room for improvement, I have full confidence in the fundamentally professional approach they are taking on the important task of protecting Kent's children.**

Peter Gilroy

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6 February 2009