

1. Follow up items of the Cabinet Scrutiny Committee

Appendix 1

Follow-up items from Cabinet Scrutiny Committee – Tracking sheet				13 January 2012
Item	Date of meeting	Recommendation	Status	Notes
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	1	To note only	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	2	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	3	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	4	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	5	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	6	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	7	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	8	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	9	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	10	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	11	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	12	To be actioned	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	13	Letter written, reply received and circulated to Members of CSC 10 January 2012	
Kent's Multi-Agency Looked After Children Strategy	13/12/2011	14	RESPONSE RECEIVED	
Draft Budget 2012/2013 and Medium Term Financial Plan 2012 – 2015	23/01/2012	1	To note only	
Draft Budget 2012/2013 and Medium Term Financial Plan 2012 – 2015	23/01/2012	2	To be actioned	in order to estimate accurately the cost of the academies programme to Kent in 2012-13 the information will be

				dependent on the completion of the Section 251 return (LA statutory return that provides details of school budgets for 2012-13) which provides the detail to calculate the cost incurred to Kent. This piece of work needs a considerable resource committed to it and we are aiming to complete this by the second week in April, on completion of this piece of work the intention will be to provide the required information by the end of April.
Draft Budget 2012/2013 and Medium Term Financial Plan 2012 – 2015	23/01/2012	3	Information circulated	
Draft Budget 2012/2013 and Medium Term Financial Plan 2012 – 2015	23/01/2012	4	Information circulated	

## ***1. Follow up items of the Cabinet Scrutiny Committee***

### **Kent's Multi-Agency Looked After Children Strategy (13 December 2011)**

Cabinet portfolio: Mrs J Whittle

Synopsis: The report presented the draft Looked After Children Strategy.

Reason for call-in: Members wished to examine the deliverability of the Looked After Children Strategy, in particular:

- (a) The reduction of numbers of Looked After Children (LAC) and how will this be achieved
- (b) Placements of LAC by KCC outside of Kent and the circumstances surrounding these placements
- (c) The movement towards Permanently Looked After Children (PLAC)
- (d) In relation to the Reduction in Volumes referred to in the Children's Services Improvement Plan - Quarterly Update, the fact that there has been no reduction in LAC (despite a reduction in all other indicators)
- (e) How the £19.8million to be spent on Children's Social Services in 2012/13 (as referred to in the Autumn Budget Statement) will be allocated

Recommendations and responses:

1. **Thank Mrs Whittle, Mr Ireland and Mr Brightwell for attending the meeting and answering Members' questions. Members considered that there had been an excellent debate and were reassured by the discussion had with the witnesses**
2. **A bullet point should be added to page 10 of the strategy regarding the importance of listening to the Looked After Children and how, as Corporate Parents, Members can facilitate this.**

*Agreed by Cabinet Member; Paul Brightwell to action.*

The following sentence has been added as a bullet point to the strategy document:

"The extent to which children and young people are involved in their review meetings and decisions made about them, and also contributing their views in a way that influences the development and improvement of services and practice to looked after children and care leavers."

3. **The addition of a bullet point on page 11 of the strategy mentioning alcohol or confirmation that alcohol is included within the 'substance misuse' reference on that page.**

*Agreed by Cabinet Member; Paul Brightwell to action.*

The cabinet scrutiny recommendation refers to the addition of a bullet point under the section 'Where we are' on page 11 relating to the % of looked after children involved

in alcohol or substance misuse. It has not been possible to provide reliable data on this issue at this time, although regular monitoring of alcohol and substance misuse of our looked after children will be included in the performance information provided for Kent's Corporate Parenting Group. MIU will assess the statistical data is available that could be added in this section of the strategy. Reference to 'alcohol' is now also made on page 25 of the strategy which initially only mentioned substance misuse. The extent of drug and alcohol use (including nicotine) forms part of the annual health assessment which is provided to the majority of look after children and care leavers. Some older young people sometimes refuse the assessment. However the assessments provide another route by which data can be potentially be captured.

**4. Look at examining the link with Kent Drugs and Alcohol Action Team possibly as part of the prevention strategy.**

*Agreed by Cabinet Member, Paul Brightwell to action.*

The recommendation of the Cabinet Scrutiny Committee has been passed to those officers in the authority responsible for the development of the preventative strategy in order for them to consider. KDAAT were involved in the initial development of the preventative strategy and will also be involved in a further review of this strategy which is planned, although it is not possible to confirm exactly when the review will begin.

**5. Further details to be provided about the bullet points on page 11 of the strategy:**

- 'The average number of placements that our looked after children experience during their time in care' and
- 'The average length of time that a child/young person is looked after before achieving permanence or leaving care'

*Paul Brightwell to provide information to Cabinet Scrutiny Committee and Corporate Parenting Panel why the range of figures is so high and what can be done to tackle these figures.*

***Placements***

With respect to average number of placements that our looked after children experience, work by the management information unit has confirmed that this represents a mean of 2.5 placements (rather than 3.4 referred to in the strategy document presented to cabinet scrutiny) with a median of 2 placements. The median figure is included because the number of placements our children/young people experience is heavily skewed, with the majority only experiencing 1 (596 children) or 2 placements (555 children). The median is generally considered to be a more accurate measure of central tendency when looking at statistical distribution curves that are skewed.

The statistical data within the looked after children strategy (page 11) regarding placements will be amended to reflect the revised data.

## ***Length of time looked after***

A recent analysis of the LAC data (March 2010 to June 2011) suggests a change in trend, where the average (median) has been steadily falling (from 755 days in March 2010 to 608 days in June 2011). While this suggests a reduction in the average length of time looked after, this is more likely to be due to the increase in numbers of children and young people becoming looked after since 2009.

### **6. The inclusion of targets regarding number of placements per child within the strategy and clarification of those targets.**

*Paul Brightwell to explore*

The National Indicator set already include two specific targets on placement stability NI 62 and 63, which are reported on each year to government under the SSDA903 return. These are:

NI62 refers to the proportion of looked after children experiencing 3 or more placement moves. Kent County Council's performance on this measure for 2010/11 was 8%, which was better than the national average of 10.7%

NI63 focuses on the proportion of looked after children who had been looked after continuously for at least 2.5 years who were living in the same placement for at least 2 years, or are placed for adoption and their adoptive placement together with their previous placement together last for at least 2 years. For 2010/11 Kent County Council's performance on this measure was at 71.5%, which is above the national average of 68.6%

These performance figures are not included in the demographic data used in the looked after strategy, although they are published by Government each year.

### **7. Clarity should be provided for carers in relation to permanently looked after children and special guardianship possibly via workshops.**

*Paul Brightwell to action*

The local authority's permanence policy / guidance provide detailed information to social workers with respect to this area of practice and decision-making.

The re-introduction of the Staying Together initiative is in the process of being considered by senior management teams within FSC and a paper on the scheme is to be tabled at FSC DMT on 4<sup>th</sup> April. A report outlining the scheme, including the financial implications is also to be presented to the Corporate Parenting Panel on 19<sup>th</sup> April.

Once a final decision has been made on whether to re-introduce the Staying Together initiative workshops for social workers and carers will be organised which are expected to take place during spring and early summer.

**8. Explore distance learning for looked after children, possibly via the virtual school or other means.**

*Tony Doran to explore and report back to Corporate Parenting Panel*

The following information has been provided by Tony Doran – Headteacher of VSK:

Distance learning packages historically have been delivered via Simon Fox's Alt Curriculum Team where they used Accipio ([www.accipio-learning.co.uk/index.html](http://www.accipio-learning.co.uk/index.html)) . Very few of our looked after children have ever accessed this and it was all administered via the Attendance and Behaviour Service 9ABS).

I have requested that my deputies look into the levels of need for distance learning and products available for providing this. In addition to Accipio we have looked at EdLounge and FLEET who have a distance learning package that charges by the 1/4 hr.

VSK current thinking is that there is a very small cohort who could benefit from a full time distance learning package but a significant that would benefit from this kind of resource as part a package of school based/home based support offer facilitated package. The ability to secure these packages will be dependent on establishing sufficient funding from sources previously held under alternative curriculum within the Attendance and Behaviour Service.

**9. Clarification should be sought regarding the admissions criteria for schools and the situation regarding prioritisation of looked after children within that criteria.**

*Paul Brightwell to discuss with Tony Doran and report back to Cabinet Scrutiny.*

In response to this recommendation, Tony Doran (Headteacher VSK) asked that the following issues be brought to cabinet Scrutiny's attention.

The School Admissions code (2010), paragraph 2.9 and 2.10 refer to the vulnerability of looked after children and reinforce the need for schools to give priority to looked after children so that a school place is found for these children and young people as quickly as possible. The school code also gives specific powers to local authorities (paragraphs 3.35 to 3.37) to direct schools to take looked after children. There is a new Code currently out for consultation and looked after children still remains the highest priority within this. The relevant sections of the current code are outlined below:

**Paragraph 2.9** Children in care are among the most vulnerable children in society and it is of paramount importance that a school place is found that is in the best

interests of the child as quickly as possible. All admission authorities **must** give highest priority in their oversubscription criteria to these children as required by Part 3 of the Admission Arrangements Regulations. The practical effect of this is that in a school's published admission arrangements the first and highest oversubscription criterion **must** be in respect of these children. Admission authorities **must not** include statements in their published admission arrangements that imply they have discretion over the admission of children in care or attach any conditions to the admission of such children.

### ***Children in Care – faith schools***

**Paragraph 2.10** The admission authorities for faith schools may give first priority to all children in care, whether of the faith or not, but as a minimum they **must** give first priority to children in care of their faith above other children of their faith. Where they give any element of priority to children not of their faith, they **must** give priority in their oversubscription criteria to children in care not of their faith above other children not of their faith. More detailed guidelines for faith schools are provided at paragraphs 2.46 to 2.58, and on children in care in Chapter 3.

### ***Local authority power to direct admission of Children in Care***

**Paragraph 3.35** Local authorities may direct other admission authorities for any maintained school to admit a child in their care to the school best suited to his or her needs<sup>1</sup>[1]. Such action **must** be taken in the best interests of the child. Before giving a direction the local authority **must** consult the admission authority for the school they propose to specify in the direction. The admission authority then has seven days to inform the local authority if it is willing to admit the child without being directed to do so.

**Paragraph 3.36** If, following the consultation, the local authority decides to issue the direction it **must** first inform the admission authority, the governing body (if the governing body is not the admission authority), the head teacher and, if the school is in another local authority area, the maintaining local authority. If the admission authority (or the governing body if it is not the admission authority and only in relation to a child in care who has previously been excluded from at least two schools) considers that admission of the child would seriously prejudice the provision of efficient education or efficient use of resources, the admission authority has seven days in which to refer the case to the Schools Adjudicator. The Adjudicator may either uphold the direction, or, if the local authority that looks after the child agrees, determine that another maintained school in England **must** admit the child. The Adjudicator's decision is binding. The Adjudicator may not direct an alternative school to admit a child when the child has already been excluded from that school or when admission would seriously prejudice the provision of efficient education or efficient use of resources.

**Paragraph 3.37** Where a local authority considers that a particular Academy will best meet the needs of the child, they can ask them to admit that child even when the Academy is full. A consensus will be reached locally in the large majority of cases, but if the Academy disagrees with the local authority's reasoning and refuses to admit the

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child, the case can be referred to the Secretary of State. In such cases, the Secretary of State may direct an Academy to admit a child in care, and can seek advice from the Adjudicator in reaching his decision<sup>2</sup>[2]. In providing such advice, the Schools Adjudicator will consider the case in the same way as for maintained schools.

Taking all this into consideration we still get schools academies trying to refuse or slow down the admission process. With respect to academies the only avenue open is to appeal to the Secretary of State (See below)

### ***Admission arrangements for Academies***

***Paragraph 1.15*** Admission arrangements for Academies are approved by the Secretary of State as part of an Academy's funding agreement, which require compliance with admissions legislation and relevant Codes. An Academy is required to consult in the same way as other admission authorities do. Apart from increasing its admission number with local agreement following consultation, an Academy cannot alter its admission arrangements without the approval of the Secretary of State. Any objections to an Academy's admission arrangements will be considered by the Secretary of State.

**10. Independent Reviewing Officers should consider challenging their counterparts in placing authorities regarding the appropriateness of placing looked after children in Kent.**

*Paul Brightwell to action*

A decision has been made that all direct correspondence with other local authorities regarding the placing of children in Kent will be made through the Corporate Director Families and Social Care, rather than through the IRO service or VSK.

**11. Identify other local authorities who have similar problems regarding looked after children being placed within their boundary and working with them to find a solution.**

*Cabinet Member to action although problems more acute in Kent than anywhere else*

Work is underway through contacts with both Association of Director's of Children's Services and the South East Lead Members on this.

**12. Write to London Boroughs to encourage them to work with each other to use vacant places in their boroughs to place looked after children.**

*Cabinet Member to action*

Work is underway through contacts with both Association of Director's of Children's Services and the South East Lead Members on this.

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13. Write to the Children's Minister, Tim Loughton to encourage him to enforce local authorities who place children more than 20 miles from their home (the 20mile limit) – include statistics separating the number of asylum seeking children in Kent and the number of looked after children placed by other local authorities in Kent.

Letter already written and reply received Note: The letter to and response from Tim Loughton MP is available from the Research Officer to the Cabinet Scrutiny Committee on request.

*Paul Brightwell to send over the statistics required which have been compiled by the Management Information Unit*

*A spreadsheet outlining current numbers of looked after children placed in Kent by other local authorities/London Boroughs, for the months between December 2010 to December 2011 (district and county totals) is presented at Appendix 1.*

**14. Provide Members with details of the successor bodies to the Kent Improvement Board and Children's Services Improvement Panel to ensure Members continue to be part of the chain receiving information.**

*At the present time both the Board and the Panel will continue to exist until Kent's Children's Social Services receives an adequate judgement from Ofsted. However the CM would like to provide an assurance that the successor body or bodies will ensure that Members remain at the helm in driving through improvement and scrutiny of Children's Social Services through access to reliable and high quality performance management data.*

Date of Officer Response: 20 March 2012

**Cabinet Member's Response:**

**I thought it was a very constructive meeting and reflective of a sea change in Member involvement and engagement in Children's Social Services over the past year. I hope my comments as per the above are helpful and I will ensure the information requested is shortly distributed to Committee Members.**

Date of Response: 18 December 2011

**Draft Budget 2012/2013 and Medium Term Financial Plan 2012 - 2015**  
**(23 January 2012)**

Cabinet portfolio: Mr J Simmonds

Synopsis: The report presented the Draft Budget 2012/2013 and Medium Term Financial Plan 2012 - 2015

Reason for call-in: Members wished to examine the Draft Budget 2012/2013 and Medium Term Financial Plan 2012 - 2015

Recommendations and responses:

15. Thank Mr King, Mr Simmonds, Miss Carey, Mr Wood, Mr Shipton and Mr Abbott for attending the meeting and answering Members' questions.
16. Ask that the Director of School Resources provide a breakdown of the financial effects on the Council of the transferral of schools to academy status, when it has been completed.
17. Ask that the Corporate Director of Finance and Procurement provide a briefing note on how un-ring-fenced grants, such as the Early Intervention Grant, were now being administered within the authority, and how this related to the additional monies being made available for Youth Services commissioning.
18. Ask that the Corporate Director of Finance and Procurement provide full details of the financial reserves held by the County Council.

**Cabinet Member's Response:**

*The information requested in recommendations 3 and 4 has been provided and circulated to Members of the Cabinet Scrutiny Committee. A breakdown of the financial effects on the Council of the transferral of schools to academy status will be made available in March.*

Date of Response:

17 February 2012