

REPORT TO: AUDIT AND PERFORMANCE COMMITTEE ON 23 APRIL 2008

SUBJECT: LOOKED-AFTER CHILDREN

BY: DIRECTORS OF COMMUNITY SERVICES & EDUCATIONAL SERVICES

1. REASON FOR REPORT

- 1.1 To advise Committee of the work undertaken in respect of looked-after children as part of the 'Scrutiny of Longer Projects'.
- 1.2 This report is submitted to Committee in terms of Section G (9) of the Council's Administrative Scheme relating to scrutinising the effectiveness of policies and procedures in meeting the Action Plans of the Council, as set out in the Corporate Plan.

2. RECOMMENDATION

- 2.1 It is recommended that Committee notes the work undertaken in respect of looked-after children and agrees any particular areas for further scrutiny.**

3. BACKGROUND

- 3.1 Children are looked-after by local authorities when they are:-
(a) provided with accommodation under Section 25 of the Children (Scotland) Act 1995; or
(b) subject to a supervision requirement made by a children's hearing under Section 70 of the Children (Scotland) Act 1995.

Local authorities have a range of statutory duties towards a child looked-after by them. These are summarised in **APPENDIX 1** to this report.

- 3.2 In looking after a child the local authority must make immediate and longer term plans which will safeguard and promote the welfare of the child. This includes assessing the needs of the child, establishing and reviewing care and education plans that include the range and level of services to be provided. The local authority should also help parents exercise parental rights and responsibilities towards the child in co-operation with them.
- 3.3 Local authorities are required to review the care of all children looked-after. If a child is subject to a supervision requirement from a children's hearing the review does not have full decision making powers. It may formulate recommended actions to be presented to the children's hearing, which will decide the direction of supervision and specify any conditions that are thought necessary.

- 3.4 In deciding to make a supervision requirement, a children's hearing may impose compulsory measures of supervision by the local authority while the child remains at home. The remaining disposals are with foster carers, relatives or friends or in a residential establishment.
- 3.5 Fostering is one of the services which local authorities provide or commission under their duties to children looked after by them. Fostering is subject to the Fostering of Children (Scotland) Regulations 1996. These responsibilities include the recruitment, assessment, approval, review and termination of approval of carers. Foster carers have specific agreements with the local authority, receive supervision, training and support, allowances for the care of the child and fees for the service they provide.
- 3.6 In discharging their duties to children they are looking after local authorities may make placements in residential homes (some of which also provide education on the premises) of various kinds. These placements may be 'in area' or 'out of area' and on occasions include secure accommodation.
- 3.7 Local authorities also have responsibilities towards children they look after in preparing them for when they are no longer looked-after and for supporting them at that time. Throughcare is the process by which the local authority plans and prepares the young person for independence. Aftercare is the provision of advice, guidance and assistance once the young person has left care and can continue for several years.
- 3.8 Fostering, residential care and throughcare & aftercare are regulated by the Care Commission a statutory body separate from the local authority.
- 3.9 There is clear emphasis in the Children (Scotland) Act 1995 that responsibilities under the Act are assigned to local authorities. There are corporate responsibilities (leading to the concept of Corporate Parenting) and though in many instances social work will be the key section, other sections of the council, particularly education and housing, will have considerable contributions to make.
- 3.10 Social Work Area Teams hold supervision requirements and are responsible for assessment and care plans for looked-after children. Reviewing Officers convene and chair the statutory reviews for looked-after and accommodated children, the Fostering Team is responsible for carers approved by the authority and Throughcare & Aftercare is delivered by a dedicated team. Residential care in Moray is provided on behalf of the Council by NCH Scotland with the exception of children with disabilities where Aberlour Trust is the provider.
- 3.11 Educational Services have an officer responsible for looked-after children and co-ordinators in each of Moray's schools. There exists a centrally managed database that monitors LAC performance in our schools, this is regularly updated and sent to schools and partnership agencies.

- 3.12 The outcomes for looked-after children are a policy priority for the Scottish Government. Reports have been produced such as 'Extraordinary Care' (June 2006) and 'We can and must do better' (January 2007). These have been in response to poor outcomes nationally. The Social Work Inspection Agency (SWIA) report in 2007 on social work services in Moray recommended that 'Community Services with education colleagues should take action to improve the outcomes for looked-after children and young people. The use of plans to address individualised learning and additional support needs should be part of this process'.
- 3.13 Two actions have been identified and agreed with SWIA to meet this recommendation and monitored by the Social Work Education Liaison Group (SWED). These are to ensure tracking mechanisms are developed to check educational progress of looked-after children link into LAC Reviews and a task group has been established in relation to 'We can and must do better.'
- 3.14 The number of looked-after children who are the responsibility of the Moray Council are noted in the following table. The information included trend data since 2004/5 and maximum and minimum numbers for children in each category over that period.

	Q3 07-08	Q1 04-05	Highest	Lowest
Foster care	77	59	77	52
Residential care	12	11	12	6
Out of area	11	9	16	7
Home supervision	88	77	102	77
Total	188	156	188	144

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

The theme group 'Children & Young People's Partnership' of the Community Planning Partnership has looked-after children as a key responsibility. Service Priority 4.1 of the Community Services Department's Service Improvements Plan 2007/8 was reducing out of area placements.

(b) Policy and Legal

Reference has been made earlier in the report to policy and legal responsibilities towards looked-after children.

(c) Resources (Financial, Risks, Staffing and Property)

Considerable staffing and financial resources are utilised in meeting the council's responsibilities to looked-after children. These include:-

- Area Social Work Teams
- LAC Reviewing Team
- Fostering & Adoption Team
- Throughcare & Aftercare Team
- NCH residential care

- Aberlour Trust residential care
- Senior officer time (Social Work and Education)
- Educational staff time
- Contributions made to care plans by local services such as Moray Youth Action, Abuse Recovery Project, Children's Rights Service, Supporting Moray Families Project, etc.
- Out of area placements and local additional resource packages

(d) Consultations

None have been undertaken in the preparation of this report.

5. CONCLUSION

- 5.1 Local authorities have statutory duties towards looked-after children. This report has summarised these duties, explained how these responsibilities are delivered and provided some quantification of service demands. The Committee may wish to commission further scrutiny of particular aspects of the service such as:-**
- (i) trends in Moray over time in relation to looked-after children.**
 - (ii) progress in relation to managing out of area placements.**
 - (iii) progress against the recommendations in 'We can and must do better'.**

Authors of Report: John Carney, Head of Children & Families and Criminal Justice Services

Eric Scarborough, Head of Educational Resource Services

Background Papers: with authors

Ref:

Local authority duties towards looked-after children

- To safeguard and promote the child's welfare, taking the welfare of the child as their paramount concern.
- To make use of services that would be available for children were they cared for by their parents.
- To take steps to promote regular and direct contact between a child who is looked after and any person with parental responsibilities, so far as is practicable, appropriate and consistent with the duty to safeguard the child's welfare.
- To provide advice and assistance with a view to the time when the child is no longer looked after.
- To find out and have regard to the views of the child, his parents and any other relevant person, so far as is practicable when making decisions about a child whom they look after.
- To take account so far as is practicable of the child's religious persuasion, racial origin and cultural and linguistic background.