

## **CHILDREN'S AND YOUNG PEOPLE SCRUTINY AND PERFORMANCE PANEL**

TUESDAY, 21 AUGUST, 2012 AT 6.00 P.M. AT THE COUNCIL HOUSE

<b>Panel Members Present</b>	Councillor B. Cassidy Councillor R. Martin Councillor D. Shires Councillor T. Jukes Councillor D. James
<b>Non- elected non-voting members present</b>	D Jones (Primary Teacher representative)
<b>Officers Present</b>	Paul Sheehan, Chief Executive Officer Pauline Pilkington, Director, Children's Services, Louise Hughes, Assistant Director, Children's Services;
<b>Others in attendance</b>	Councillor M. Bird - Leader of Council Councillor C. Towe - Portfolio Holder for Finance and Personnel

### **215/12 APOLOGIES**

Apologies were received for the duration of the meeting from Councillor R. Thomas, Councillor G. Perry, Councillor E. Hughes, Russ Bragger and Councillor R. Andrew.

### **216/12 SUBSTITUTIONS**

Councillor D. James substituted for Councillor R. Thomas for the duration of the meeting.

### **217/12 DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip identified at this meeting.

### **218/12 MINUTES**

The minutes of the previous meeting were noted.

### **Resolved**

That the minutes of the meeting held on 17 July 2012, copies having previously been circulated, be approved as a true and accurate record.

## 219/12 SAFEGUARDING VULNERABLE AND LOOKED AFTER CHILDREN INSPECTION

The Chair introduced the item explaining that the meeting had been called to consider the outcome of the inspection. She emphasised that this was the purpose of the meeting rather than provide an opportunity for individuals to express personal views or views on the scrutiny process. The Chair summarised the purpose of calling the meeting as follows:

- So that members and the public are in possession of the true facts surrounding the inspection results;
- So that pertinent questions can be asked of those who run and are responsible for the service;
- So that members and the public are in possession of the true facts surrounding the way ahead and the improvement programme;
- In the interests of transparency, honesty and openness.

The Director for Children's Services provided a summary of the inspection and its outcomes:

- The Director explained that she was sorry to report the findings of the inspection to the Panel;
- It was explained that the inspection, which had lasted 10 days, had considered the effectiveness of safeguarding services and services for looked after children (LAC). It was a tough framework for inspection including a review of case files and meetings with key staff, children and families. In addition there was an inspection of partners, including the police and health;
- The inspection ended with 22 judgements being made covering all aspects of safeguarding and LAC services. Of these 8 judgments were inadequate, 12 were adequate and 2 were good. Amongst the key conclusions made by the inspection were that social work practice is too variable; risk assessment, care planning, partnership working, particularly with the police, is not sufficiently effective; management oversight was inadequate in some cases; there were examples of cases that were closed too early, or action not taken swiftly enough; while performance management and quality assurance is inadequate. The Director explained that there was clearly an issue of there not being adequate information provided to senior officers including herself. She acknowledged that the right framework had not been developed, including more frequent visits to front-line services and more independent assessments of service provision. It was apparent that there were not adequate management and reporting systems in place for social workers and their managers. It was also clear that there was not sufficient checking of the information reported. In addition, the needs of disabled children were not always sufficiently prioritised, while the capacity for improvement was also deemed inadequate;
- However, it was emphasised that the inspection found that most children and young people seen by the inspectors reported feeling safe, while 94% responding to the Ofsted survey said they felt safe. In addition, children's homes, fostering, adoption and children's centres have all been judged good or

outstanding for safeguarding; a good range of multi agency services to support victims of domestic violence are in place; in the main parents and carers were positive about the support they receive; while the work of elected members in championing the needs of children was also acknowledged. The report also concluded that social workers view the council as a good employer offering high standards of training and support; social workers have manageable caseloads; good examples of the involvement of children and young people are evident; while there has also been significant service improvement in looked after children's services;

- In terms of immediate actions responding to the outcomes of the inspection all priority cases from the initial response service are being audited independently. The draft report of the findings has identified a number of areas for concern. It was also explained that issues had been identified within the disability service post-transfer to council management. However, there had not been sufficient time prior to the inspection to make all the necessary improvements, although a new plan of action for correcting the problems with the service had been implemented. It was also explained that work had been undertaken to ensure that staff morale within the initial response team and the disability service was maintained;
- It was also explained that two additional managers have been engaged on a temporary basis to improve oversight in response to referrals. It was highlighted that assessments now contain explicit assessment of risk and protective factors in each case. While these factors were part of assessments previously where they were located in a report was not always clear. Other changes included managers being required to track the quality of planning and report findings; the Walsall Safeguarding Children's Board (WSCB) Quality assurance framework has been established; while the child protection unit is now monitoring the frequency of core groups, child protection conferences and agency attendance;
- It was explained that contact had been made with the DfE and LGA children's improvement board; an improvement adviser is in place; an Improvement Board with an independent chair has been also been established;
- The Chair asked a number of questions on behalf of a Member of the Panel who was unable to attend the meeting. The Member quoted the following section from Page 7 of the Ofsted report: "Social work practice is too variable which has led to a significant number of children and young people receiving a poor service. Assessment of risk at the point of contact with children's social care is of an unacceptably poor quality in too many cases. This resulted in cases being closed inappropriately without risk being fully assessed and so children are left at potential risk of harm. This has previously been identified in January by the council and action is being taken to address this. However, to date there is no significant evidence of impact". The question posed by the Member was as follows: "Who was responsible for devising and monitoring the action taken since January which has proved ineffective. What action has been taken to address the inadequacies of this person's performance"? The Director explained that there was not significant evidence of a problem at the time and therefore it had not been possible to identify the existence of an issue. The inspectors had considered a sample and determined that there was evidence that there had not been sufficient management support of this process. It was explained that the Chief Executive would provide further guidance later in the meeting in relation to this question;

- The Member also quoted the following section from Page 8 of the Ofsted report: “Quality assurance of casework is not sufficiently effective or robust in challenging poor standards of case management and recording. Management oversight is inadequate as it has not ensured that best practice standards are met”. The question posed by the Member was as follows: “How do we ensure that this is not repeated if both the Social Workers and their Managers are not working effectively?” The Director explained that the audit of the initial response service had highlighted that quality assurance processes were not sufficiently in place. It was also apparent that there was a need for arms length quality assurance;
- The Member also quoted the following section from Page 15 of the Ofsted report: “Many children and young people at risk of significant harm are promptly identified and their cases allocated to a suitably qualified, trained and experienced social worker. However, for some children allocated workers are not suitably skilled”. The question posed by the Member was as follows: “I am certain that we had been assured in Scrutiny that this was not the case and that allocated workers were “suitably skilled”. What action will be taken if we were misinformed or misled? The Director explained that all social workers were suitably trained, although the level of experience did vary. For example, there were a high number of newly-qualified social workers but far fewer experienced social workers. The council had struggled to recruit experienced social workers, with competition amongst Black Country councils very high. It would be necessary to refresh the workforce improvement plan in order to seek to address the issue of recruitment. It was explained that further guidance on this matter would be provided by the Chief Executive later in the meeting;
- A Panel Member expressed the view that the report suggested that there had been a systemic failure within the service. He highlighted the report’s concerns in relation to the absence of effective performance management systems. The Director acknowledged this failing and explained that this issue would be addressed by the improvement plan. She also explained that she had not been made aware of any individual cases where a child had suffered as a consequence of the problems with the service. The Director also acknowledged the absence of an adequate management reporting structure. She explained that making improvements would include understanding what “good” looked like and identifying and making appropriate use of evidence. She gave the example of the report card that had previously been received by the Scrutiny Panel. However, this had focused on quantitative rather than qualitative data. It would be important that the emphasis of such information was changed. The Director also acknowledged that there had been an investment of £10,000 on management information systems. She also explained that Working Smarter principles had been employed and tested in other areas of Children’s Services in the first instance, as safeguarding and LAC services were highly regulated. However, an example of the success of this approach had been the multi-agency teams. It would be necessary for further work to be undertaken before implementing Working Smarter into more specialised areas of work within the service;
- It was explained that the Peer Review process that had taken place earlier in 2012 had been funded by the Local Government Association. The Director explained that the review had probably not given the council the guidance they had wanted. It was explained that the additional managers were engaged on a

temporary basis to assist in introducing good practice. The rate of pay was based on standard agency rates;

- A Member explained that the Panel had undertaken a number of reviews of services over a period of more than 12 months. She highlighted a Joint Ofsted report in 2008 which reported services as good. The report had praised the strong partnership working and effective multi-agency approach that was in evidence. The Member wanted to understand what had gone wrong since 2010 and why the Panel had not been informed. The Director acknowledged that recommendations made by working groups established by the Panel had been adopted, including in relation to freeing up more experienced staff to work directly with families. The Director explained that the Improvement Plan, overseen by the Chief Executive, and the appointment of an interim Director were the key first steps in addressing the failings in the service. However, the success of the Youth Offending Team and the Youth Justice Team was highlighted, with performance indicators “Green” in all areas for the first time. It was also explained that some work was done at regional level in preparation for inspection, but the level of problems was not known at the time. The Director also agreed that site visits to high performing councils were important;
- A number of Members noted that the Panel had always ensued the challenging and robust questioning of officers. The Director agreed and explained that it was apparent that they had not received the full picture from officers;
- In response to questions raised by a representative of the Express and Star newspaper, the Director explained that the experienced social workers that had been recruited on a temporary basis were not consultants and had been appointed to lend their expertise to service improvements. She also explained that the scale of the problems initially identified in January 2012 only became apparent following the inspection;
- In response to questions raised from the public gallery, the Director explained that she apologised for the failing of the service and would also be willing to personally apologise to anyone who the service had let down;
- In response to a query from the Chair regarding whether any post-report investigations had found that any child had suffered harm or neglect in Walsall as result of the type of bad practice highlighted in the report, the Director explained that she had had not been made aware of any. In response to a query from the Chair regarding why the police were only able to supply partial information in some cases and whether or not it was as result of data protection or other issues, the Director explained that it appeared that council officers had not been fully clear with the police regarding the information that was required. She had now received assurances that all necessary information would be provided by the police. The Chair also expressed disappointment that the police were not represented at the meeting.

The Chief Executive provided guidance regarding the council's response to the report:

- The Chief Executive emphasised that prior to the inspection the council was not on any Government “watch-list” of councils who were considered to have services that might be failing. The outcome of the inspection was a surprise to both the Local Government Association (LGA) and Department for Education (DfE);

- The council has received offers of support and resources. This offer was based on the council accepting and not contesting the outcome of the inspection;
- It was explained that work has been undertaken to determine what support would be needed. Early on in this process the Director indicated that she would be leaving;
- The Appointment Boards confirmed the departure of the Director and the subsequent appointment of an interim Director. It is anticipated that the interim Director will start on 3 September. It was also explained that the Assistant Director for Specialist Services, Michelle Whiting, had also resigned from her post, and an interim appointment would also be made to this position. It was explained that interim appointments reflected the state of the market with a number of councils seeking to make appointments to the post of Director of Children's Services. This difficulty was increased in Walsall as the post would not be considered to be particularly attractive. He explained that the focus would now be to achieve a period of stability and to implement the action plan. However, he emphasised that there were no other departures anticipated from the council at this time;
- It was explained that an Improvement Plan was being prepared which included new ways of working. However, it was emphasised that the service possessed a committed and caring workforce. It was also explained that the failings of the service were not a function of a lack of resources;
- A number of discussions have been held with DfE about what happens next. The DfE have a number of powers across a spectrum ranging from issuing a Notice to Improve to intervention. At this time it is anticipated that the council will receive a Notice to Improve. This document has been co-produced by the DfE and the council and is currently in draft form. However, it was emphasised that should any report received by the Secretary of State during the life of the Notice to Improve consider a service to be "inadequate", this may result in stronger powers being used;
- However, action plan work to date includes the establishment of the Improvement Board, with participants including the police and the interim Director. The Improvement Board will be formed of senior council and partner officers, rather than those involved in day-day safeguarding decision making. He emphasised that this was important as it was apparent that the previous regime where the Safeguarding Children Board validated its own work, may not have always provided the most robust challenge. It was explained that the recently appointed independent Chair of the Improvement Board will report regularly to the Secretary of State on progress. It was also anticipated that during the life of the Notice to Improve, expected to be around eighteen months, that the Minister would visit the council;
- It was emphasised that the council was aiming to be better than adequate. It was important that the opportunity to do this was seized. The plans put in place thus far have been described by the DfE as, "at the upper end of their expectations". Briefings have been provided to partners on the action plan, while briefings have also been offered to local MPs. It is proposed to report and update the Action Plan to Council, Cabinet and the Panel. However, it would be necessary to determine the appropriate destination for the respective reports that are to be produced;
- It was also explained that the lessons learned would have potential application across the council. The need for a clear line of sight from front line services to

director level had been emphasised. It will be necessary for there to be robust challenge and for officers to demonstrate and evidence performance;

- It was further explained that the Chair of the Improvement Board is a former Director of Children's Services with a strong performance record within the current inspection regime and a government adviser on children's safety. It is intended to have monthly meetings of the Board, while the Chair of the Improvement Board will report on a quarterly basis to the Secretary of State, who will confirm reports received with the Board itself. It is expected that the independent Chair will undertake meetings with managers and a range of officers. It is anticipated that this will result in the Chair spending from one to four days a week over the course of the life of the Notice to Improve;
- In response to a Panel query the Chief Executive explained that he had no personal evidence that reductions in funding for the police had impacted upon services. However, he had received assurances from senior police officers that previous issues with the effective resourcing of front-line provision would be resolved;
- In response to questions raised by a representative of the Express and Star newspaper, the Chief Executive explained that the process for appointing an interim Director had focused on ensuring that the individual had suitable experience and qualifications. The interim appointee will receive the agency day rate that had been agreed, while the agency itself will receive a fee of the order of 20% of that day rate for the duration of the contract;
- In response to a Member query, the Chief Executive explained that the structure of the council would be likely to change over the next four years as savings of up to £70m would need to be made. The decision of Members in relation to this would dictate the shape of services delivered to people in Walsall. This is in the context of massive restructuring work being undertaken in children's services and adult social care services. As a consequence it had not been considered appropriate to combine these two service areas under a single director;
- The Leader of the Labour group expressed the view that the inspection had resulted in a damning report. In response to a query he raised, the Chief Executive explained that the work of the Improvement Board and progress on the Improvement Plan would be reported to the Audit Committee, Cabinet and the Panel and that the sequencing of these reports would have to be coordinated with respective meeting cycles;
- In response to a query of a Member in the public gallery, the Chief Executive explained that the initial offer of resources from the DfE was a total of £100,000 from which the council would be able to draw down funding. While, if further support is required the DfE will consider the necessary expenditure. It was also emphasised that sufficient funding and resources had been made available to fund children's services by the Leader of the Council, this included an additional £1.2m made available during the last financial year;
- In relation to an additional query regarding the Children's Safeguard Board by the Chair of the Panel it was explained that it would be necessary to ensure that a mechanism was in place to ensure a robust multi-agency approach. This would include the need to establish a culture which permitted robust challenge. In response to a further query from the Chair, it was explained that effective training of social workers would focus on defining goals and then identifying how the appropriate experience and knowledge can be gained. The refreshed Workforce Development Plan would need to understand what "good" looks like and would

include the development of a competency framework for staff at all levels within the service. Consideration was also being given to introducing a licence to practice for social workers which would be renewed on an annual basis. In response to a further Panel query it was explained that at present there were not enough experienced social workers to manage more junior social workers. Addressing this issue would form part of the overall Workforce Improvement Plan;

- In response to questions raised by a representative of the Express and Star newspaper, the Chief Executive explained that the decisions to step down were taken personally by the Director and Assistant Director. However, it was a statutory requirement for the council to have an appropriately qualified Director of Children's Services, therefore an interim appointment had been made. He explained that the outgoing Director had offered Members, the Chief Executive and the interim Director every assistance during the hand-over period. He explained that the failings within the service were not a result of limited resources and if officers from within the service are identified as responsible for those failings appropriate action would be taken;
- The Chair noted that this meeting would not be the only opportunity for questions to be asked. She added that this was the start of an important journey for the council.

Response of the Leader of the Council to the outcomes of the inspection:

- The Leader of the Council explained that he had made a public apology for the failings within the service. He emphasised that this was a failure of management and not Members. At present there are over 700 children within the care of Children's Services. He explained that he had visited all social workers and requested that senior officers immediately undertook site visits to high-performing councils;
- The Leader paid tribute to the contribution of the outgoing Director to the council over the last 30 years, explaining that her current role was very much strategic in nature;
- He highlighted that the Assistant Director had left and any officers found to be failing in their roles will face disciplinary action;
- The importance of the swift appointment of an interim Director and implementation of the Improvement Plan was also emphasised in ensuring that the council did not face intervention. It was also explained that the visit undertaken by the Minister would be thorough and would include discussions with children, social workers and Members. He also expressed the view that the failings of the service were not a slight on the Panel, rather that officers had not provided the full picture when questioned previously;
- In respect of the issue of recruitment, he highlighted the challenges faced by social workers in making potentially life changing decisions on behalf of children. He noted that getting such decisions wrong could end up with a social worker serving a custodial sentence. He also noted that the service does have a high number of newly qualified social workers;
- The Leader observed that there was a role for all Members in supporting the delivery of the necessary service improvements. It was now important to focus on safeguarding children.



## **Resolved**

That the Panel receives regular updates on progress of the Improvement Plan; & the presentation be noted.

## **220/12 DATE OF NEXT MEETING**

The Chair informed Members that the date of the next meeting would be 13 September 2012 at 6.00 pm.

The meeting terminated at 7.58 pm.

Chair:

Date: