

Children & Young People's Overview and Scrutiny Committee



21 November 2017

Scoping Report: Role of the Social Worker from a Child's Perspective

Report of Lorraine O'Donnell, Director of Transformation and Partnerships

Purpose of the Report

- 1 The purpose of this report is to provide Members of the Children and Young People's Overview and Scrutiny Committee with a scope for an in depth scrutiny review looking at the Role of the Social Worker from a child's perspective.

Introduction

- 2 Following Ofsted's inspection of Durham County Council's Children's Services in 2016 the Children and Young People's Services have developed a Quality Improvement Board and associated improvement plan to address Ofsted's recommendations. One of the recommendations indicated there was a need for greater political oversight of front line practice.
- 3 With this in mind the Children and Young People's Overview and Scrutiny Committee received an overview presentation on the Role of the Social Worker at its meeting on 16 January 2017 and members suggested at that meeting that they would like to do a detailed piece of work on this subject.
- 4 The Children and Young People's Overview and Scrutiny Committee meeting on 4 July 2017 ratified the decision, where members agreed they would carry out a focussed review looking at the role of the social worker from a child's perspective.

National Policy Framework

- 5 There is no single piece of legislation that covers child protection or safeguarding in UK. Laws are continually being amended, updated or revoked. Key pieces of national legislation and guidance which govern the safeguards of children and young people are:-
 - Children Act 1989
 - UK government ratified UN Convention Rights of the Child
 - Education Act 2002
 - Adoption and Children Act 2002
 - Children Act 2004
 - Munro Review Report 2011

- Children and Families Act 2014
- Working together to safeguard children 2015
- Children and Social Work Act 2017

6 More information on the key pieces of legislation and guidance can be found at appendix 3.

Local Policy Framework

- 7 Agencies in Durham have agreements in place such as the 0-19 Level of Need, Single Assessment Procedures and associated practice guidance documents. These agreements provide effective ways to identify emerging problems and potential unmet needs for individual children and families, as well as clear guidance and procedures for all professionals, including those in universal services and those providing services to adults with children.¹
- 8 Evidence indicates that the significant issue facing children in need is neglect. By the time the situation has deteriorated to a level that protection is required; children have lived several years of their lives in these circumstances.
- 9 The Neglect Practice Guidance 2016 is intended to assist practitioners across services to identify early signs of neglect and develop more responsive and timely interventions to address concerns about neglect. The guidance seeks to ensure practitioners focus their attention on:
- a) Patterns of parental behaviour.
 - b) The impact this behaviour has on the child's physical, emotional, psychological and behavioural development and well-being.
 - c) The impact on the child's attachment behaviours.
 - d) The specificity of the child's day to day lived experience over time.
- 10 Tackling Neglect Multi–Agency Strategy 2017 sets out its objectives for tackling neglect and promoting early help and intervention across County Durham. It acknowledges and reinforces the linkage with other local partnerships such as the Children and Families Partnership, the Health and Wellbeing Board, the Safe Durham Partnership and the County Durham Partnership.

Reviews from other Local Authorities

- 11 Children's social care has been the subject of several scrutiny reviews by local authorities usually focusing in on a particular area such as Leeds City Council review in 2011 which focused on a children's care record system². Calderdale council carried out a review of social care for children when they

¹ Durham Local Safeguarding Children Board Website, Responding to abuse or neglect as accessed 31/07/2017
²<http://democracy.leeds.gov.uk/documents/s56036/Scrutiny%20Working%20Group%20-%20Review%20of%20Childrens%20Social%20Care%20System.pdf> as accessed 06/06/17

were not satisfied with the speed of improvement following a poor Ofsted inspection.³

- 12 Lambeth Council and Waltham Forest Council both carried out reviews following poor Ofsted inspections but their reviews looked at several areas of the service and made recommendations to reinforce and enhance further improvement to the work of children's social care.⁴

Terms of Reference

Background

- 13 Members of Children and Young People's Overview and Scrutiny Committee (CYP OSC) had indicated following the 'Role of the Social Worker' overview presentation to the committee in January 2017 that they wanted to carry out a review connected to this topic.
- 14 At their meeting on 4 July, members of the CYP OSC agreed the work programme for 2017/18 and within that agreed to carry out a focussed review on the role of the social worker from a child's perspective.

Scope

- 15 The review will look at how children are referred into the service, what happens to them following the initial referral and will take into account how case files are allocated. The review will explore the training of social workers, support given to social workers and how this impacts on stability for the child. It will also consider support for the child including carers and other family members. Finally, and perhaps most importantly the review will consider views from children who have experience of the system.
- 16 The review will consider evidence from officers of the Council from Children's Social Care and views of children and young people who have experienced the children's social care system via Investing in Children.
- 17 The review will have limitations in the fact that it must remain focussed on the assessment and safeguarding process overall and not follow lines of enquiry in relation to case complexities. The review will also be limited in that it will not consider in depth the role of the social worker in the fostering and adoption system as this is considered as a topic for another review.

Objectives

- 18 The aim of the review is to investigate the role of the social worker assessment and in the safeguards of children from a child's perspective to ensure that the views of the child are included and reflected in plans relating

³ <https://www.calderdale.gov.uk/v2/sites/default/files/review-socialcare-children.pdf> as accessed 06/06/17

⁴ <http://democracy.walthamforest.gov.uk/documents/s52368/Appendix%201%20-%20Report%20of%20the%20Social%20Care%20Scrutiny%20Panel%20Post-Ofsted%20Scrutiny%20Review%20April%202016.pdf> as accessed 06/06/17.

to them and how this impacts on the social care workforce. There will be six key lines of enquiry:

- a) How are children's social care cases referred into the service?
- b) How cases are allocated to social workers including numbers of case files and their complexities.
- c) How has the new training academy performed in its first year? Are places filled for the following year? What mentoring, support and career development is in place for social workers?
- d) How robust is the approach in Durham in relation to continuity and stability for the child? How is the voice of the child reflected in casework? How does Durham compare regionally and nationally?
- e) What types of care are available to a child with a child protection plan? What support is available for the child, carers and other family members?
- f) What do children who have had contact with children's social care in County Durham say about their experiences?

Expected Outcomes

- 19 It is expected that the following outcomes will be achieved from this review:
- a) Greater Member awareness of the referral pathways and procedures for children identified as at risk. An understanding of how case allocation, the number of cases undertaken by a single social worker and monitoring of these cases.
 - b) Awareness of the social worker training academy and of its progress in its first year.
 - c) Members will be aware of the types of care provided and support mechanisms in place for children, carers and other family members.
 - d) Listen to and understand some of the views of children and young people who have experienced being in the care system .
 - e) Seek opportunities that arise to suggest improvements in the implementation of national policy and local practice.

Approach

- 20 The review will consist of meetings with members receiving verbal and written evidence via reports and presentations from officers within the Children and Young People's Services Service Grouping. A visit will be arranged to the Multi Agency Safeguarding Hub but spaces will be limited due to the confidential nature of their activity.

Engagement

- 21 In addition, the review group will consider evidence from witnesses including:
- Children, young people and families who have had experience of the care system via Investing in Children.
 - Front line social workers

- Newly qualified social workers

Membership

- 22 A working group will be set up of no more than 10 members, taking its membership from the Children and Young people's Overview and Scrutiny Committee will carry out the review. The Chair and Vice Chair of Corporate Overview and Scrutiny Management Board will be ex-officio members of the working group.
- 23 A project plan for the review is attached at appendix 2 that sets out a schedule of review group meetings and evidence required.

Reporting

- 24 Children and Young People's Overview and Scrutiny Committee will receive verbal updates during the evidence gathering process. On completion of the evidence gathering and following formulation of the recommendations, a report will be drafted and shared with Children and Young People's Overview and Scrutiny Committee before being presented to Cabinet and the Children and Families Partnership.

Timescale

- 25 The review will commence gathering evidence from December 2017 and expects to be in a position to take a report to Cabinet for consideration in the early/late summer of 2018.

Recommendation

- 26 Members of the Children and Young People's Overview and Scrutiny Committee are requested to:
- a) Receive the scoping report and agree the terms of reference as set out in paragraphs 13 - 25 and the project plan at appendix 2.
 - b) Set up a working group of no more than ten members from the committee with the Chair and Vice Chair of Corporate Overview and Scrutiny Management Board appointed as Ex-Officio members outside of the ten members.
 - c) Receive verbal updates in relation to the progress of the evidence gathering.

Appendix 1: Implications

Finance - None

Staffing – The review will gather evidence to find out how the social worker training academy has performed in its first year.

Risk – None.

Equality and diversity/Public Sector Equality Duty – An equality impact assessment will be carried out prior to the start of the review.

Accommodation - None

Crime and disorder - None.

Human rights – None

Consultation - None.

Procurement – None

Disability Issues - None.

Legal Implications- None

DRAFT Role of the Social Worker from a Child's Perspective – PROJECT PLAN

WHEN Times/Dates/ Locations	DESIGNATED LEAD Member/ Officer	WHO Key Witness, including Expert Witnesses from inside the organisation	Engagement External Organisation s, Expert Witnesses from External Organisation s and Members of the Public	WHAT Evidence/Information	HOW Meeting/Visit/ Correspondenc e/ Briefing Paper/ Research/ Engagement	OUTCOMES	WHY
1 December 2017 9.30am Committee Room 1B	Cllr Christine Potts Ann Whitton	Mark Gurney Strategic Manager Child Protection and Disability, First Contact and Intervention (or representative) Andrea Houlahan Lisa Wood		What are the referral pathways into the service? What is the criteria for dealing with a referral? How are children identified as requiring protection? What procedures are in place to ensure the best outcomes for the child?	Meeting	Members are fully aware of the referral pathways and procedures involved when a child is identified as requiring protection.	It is important that members are aware of the system from the first contact and how cases are prioritised.
7 December 2017 1.30pm	Cllr Christine Potts Ann Whitton	Lisa Wood, Operations Manager First Contact		MASH – for members of the working group to experience	Visit Meet on site limited places	Members will have a greater understanding of how referrals are received and an idea of numbers involved.	Members will be able to see for themselves where the call are received and how the hub operates.
10 January 2018 10.30am Committee Room 1A	Cllr Christine Potts Ann Whitton	Mark Gurney Strategic Manager Child Protection (or representative) Team Leaders/social Workers/ Families First Reps Chris Ring Judith Rayne		How are child protection/children in need cases allocated? How many cases are allocated to a single social worker? What controls and checks are in place to help social workers with caseloads? Do cases stay with the same social worker? What stability is in place for the child? If a case is escalated, what checks are in place to ensure there are no gaps? Are children involved in case conferences?	Meeting	Understand how cases are allocated, the number of cases undertaken by a single social worker and monitoring of these cases. Understand the involvement of the child and stability issues	Members need to be aware of the children's social care system and how it works, and how the training and development processes encourage social workers to County Durham

6 February 2018 9.30am Committee Room 1B	Cllr Christine Potts Ann Whitton	Strategic Manager Child Protection Team Leaders/social Workers/ Shelly Gill Academy Manager		What training, mentoring do social workers receive? What career development is there for social workers? How has the social worker training academy performed in its first year? Is there a new contingent of social workers in place for the next academic year?	Meeting	Members are aware of the training and development in place for social workers and their support systems.	
23 February 2018 Following CPP Only Chair & Vice Chair	Cllr Christine Potts Ann Whitton	NQSWs Shelly Gill, Academy Manager		Informal session with Chair and Vice Chair to chat with NQSWs who have completed their training at Durham's Social Work Academy to find out their views/experiences	Informal Session	The Chair and Vice Chair will gain an understanding of the view of NQSW and how they found the academy.	The Chair and Vice Chair will feed back to the rest of the group the findings from this meeting.
2 March 2018 9.30am Committee Room 1B	Cllr Christine Potts Ann Whitton	Mark Gurney Strategic Manager Child Protection Team Leaders/social Workers		Members meet with Social Workers to discuss challenges and complexities of their caseloads	Focus Group	Awareness of continuity of cases and the checks in place when cases are escalated. Members fully understand how case conference works and who is involved.	Members will be aware of how relationships between the social worker and the child are built and whether there is continuity throughout the case.
12 March 2018 1.30pm Committee Room 1A	Cllr Christine Potts Ann Whitton	Karen Robb Strategic Manager Looked after Children & Permanence Team Leaders/social Workers		How are children and young people prepared for going into care? Are they involved in this decision? How is the decision communicated to them?	Meeting	Members are aware of support mechanisms in place for children and young people and how carers/family members are supported.	It is important that children, young people, carers and their families are supported in what can be an emotional time.
4 April 2018 1.30pm Committee Room 1A	Cllr Christine Potts Ann Whitton		Ellie Seed IIC Children and Young People	How do children and young people rate their relationship with their social worker, children's social care? Do they feel their views and opinions are taken onto consideration?	Meeting with external stakeholders	Members will have knowledge of views of children and young people who have experience of the care system in County Durham.	Members will have the opportunity to hear the views of children and young people

23 April 2018 9.30am Committee Room 1A	Cllr Christine Potts Ann Whitton			Present findings to members for them to formulate recommendations	Meeting	Members will formulate recommendations	In preparation for report to be submitted to Cabinet and Partnership groups.
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National Policy Context

Children Act 1989

- 1 The Children Act 1989 provides a comprehensive framework for the care and protection of children. It defines parental responsibility and encourages partnership working with parents but its over-riding principle is that the welfare of the child is the paramount consideration. The Children Act 2004 supplemented the 1989 Act and reinforced the message that all organisations working with children have a duty in helping safeguard and promote the welfare of children.
- 2 The Children Act 1989 requires local authorities to give regard to children's wishes when determining what services to provide. The Act also requires the wishes of children are taken into consideration before making decisions about action taken to protect individual children and that these duties complement requirements relating to the wishes and feelings of children who are or may be looked after (section 22 (4)), including those who are provided with accommodation and taken into police protection.
- 3 Section 47 of the Children Act 1989 requires local authorities to make enquiries when they have reasonable cause to suspect a child maybe suffering or is likely to suffer 'significant harm'. The enquiry will assess the child's needs and the ability of the person caring for the child to meet them. The aim of the assessment is to determine if action is required to safeguard the child. Information will be gathered from multiagency partners such as health and education.
- 4 Some children are looked after by the Local Authority by agreement with, or at the request of, their parents. Under Section 20 of the Act it states, it is the duty of all Local Authorities to make accommodation available for such children in need. Children may be accommodated (in residential or foster care) for a short or longer period. No court proceedings are involved, and the parents retain full parental responsibility.
- 5 Section 44 of the Children Act 1989 sets out provision for Emergency Protection Orders (EPO). These orders are obtained from a court to ensure the short-term safety of a child.
- 6 A Care Order (under Section 31(1) (a) of the Children Act 1989) places the child in the care of the Local Authority, with parental responsibility being shared between the parents and the Local Authority. Understandably, the threshold for making applications to the Court is very high and the Local Authority in bringing its case must be able to demonstrate there is a serious and ongoing risk of significant harm. The Court will expect to be informed by the Local Authority of what plans there are for a child and be satisfied that the Care Order is in the child's best interests. A Care Order can last until a young person is 18 years old; or until an Adoption, Supervision Special

Guardianship or Child Arrangement Order is made; or until the Court decides that, the Order is no longer necessary. The Local Authority, or persons with parental responsibility for the child, can apply for the discharge of the Order.

- 7 In a number of cases presented to the Court, it will be appropriate for the Local Authority to apply for a placement order, which will enable it to place the child for adoption. 53 children were adopted from care in the year 2016 – 2017.
- 8 The removal of a child from a parent is one of the most serious interventions a state can make in the lives of its citizens. It is vital, therefore, that the evidence for any such action is clearly laid out in a court of law, with family members able to state their case and with the needs, wishes and feelings of the child in question able to be fully understood and represented.
- 9 When Social Workers are concerned about the welfare of a child they may invite parents to a pre-proceedings meeting held under the Public Law Outline (The statutory guidance that underpins this part of the Children Act 1989).
- 10 A local authority solicitor attends the PLO Meeting, but the parents are also invited to come along with their own solicitor to see if any agreement can be reached or negotiated with the social services department to prevent the matter going to court. The parents are entitled to legal aid for this and subsequent meetings. It is often possible to reach agreement about what needs to happen to protect the child from harm so that Court proceedings and orders are avoided. If the concerns are so great and there can be no protective plan put in place, the court proceedings will be started and the PLO Meeting will be used to advise the parents of this. There will be some cases where the meetings do not take place because the risk of harm to the child is so great or is so urgent that there is no PLO Meeting and an expedited application to court will be made.

United Nations Convention on the Rights of the Child

- 11 In 1991, the UK government ratified the United Nations Convention on the Rights of the Child (UNCRC), which is an international agreement that protects the rights of children and provides a child centred framework for the development of services for children. By doing this, the government recognised children's rights. Article 12 states that when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.⁵

Children Act 2004

- 12 In response to Lord Laming's inquiry into the death of Victoria Climbié the 2004 Children Act implemented the creation of the Children's Commissioner, Children's Trusts and for local authorities to establish a director of children's

⁵ Fact Sheet: A summary of the rights under the convention on the Rights of the Child, UNICEF, 1991.

services and to create electronic record keep of children's files. A duty was placed on local authorities in England to co-operate to improve the wellbeing of children and for local authorities to arrange and to promote co-operation with key partners and local agencies.

- 13 Section 11 of the Children Act 2004 places a duty on a number of agencies including children's services authority to safeguard and promote the welfare of children. This duty includes encouraging agencies to share early concerns about safety and welfare of children to ensure preventative action before a crisis develops.

Munro Review

- 14 Professor Munro's review of child protection, 2011, set out to improve the quality of child protection services and made 15 recommendations to reduce the bureaucracy within the child protection system and keep the focus on whether children are being effectively helped and protected.

Working Together to Safeguard Children (2015)

- 15 Working together to safeguard children (2015) states that effective safeguarding arrangements in every local area should be underpinned by two key principles:
- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
 - A child centred approach: for services to be effective, they should be based on a clear understanding of the needs and views of children.

Children and Social Care Act 2017

- 16 The Children and Social Care Act 2017 received royal assent on 27 April 2017 it aims to improve support for looked after children in England and Wales especially those leaving care and including corporate parenting principles for councils. It also aims to enable better learning about effective approaches to child protection and care in England and establish a new regulatory regime for the social work profession in England.
- 17 The Act sets out there will be a Child Safeguarding Practice Review Panel established to identify serious child safeguarding cases in England, which raise issues that are complex or of national importance. There is also provision for the abolition of Local Safeguarding Boards and the introduction of local arrangements for safeguarding and promoting the welfare of children.
- 18 The Act creates Social Work England to take over from the Health and Care Professionals Council as the profession's regulator. This new professional body will require the approval of the Education Secretary for professional standards. The Education Secretary will have new powers to set 'improved standards' for social workers, and introduce assessments for practitioners.

- 19 The DfE have recently issued draft statutory guidance on key provisions of the Act with consultation closing at the end of November.