

## **Corporate Parenting Panel**

**24 November 2017**



### **Looked After Children: the Journey into the Looked After System**

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## **Report of Mark Gurney Strategic Manager Child Protection and Disability and Andrea Houlahan Strategic Manager First Contact and Interventions – Early Help Assessment and Safeguarding Services**

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### **Purpose of the Report**

- 1 The purpose of this report is to raise awareness and understanding among members of the Corporate Parenting Panel about the journey of children and young people into the looked after system.
- 2 Mark Gurney Strategic Manager for Child Protection and Disability will deliver a presentation to members of the Corporate Parenting Panel which will describe the various routes into the looked after system and also provide the Panel with some information about current levels of activity across the service.

### **Background and Legislation**

- 3 The fundamental purpose of children's social care is to make sure that the most vulnerable children can have a safe and dependable foundation from which to grow and flourish.
- 4 Children and Young People's Services in County Durham have the lead responsibility for ensuring the safety and wellbeing of children with a key aim to provide early help for children and families and protection for those that need it. The primary legislation that underpins this responsibility is the Children Act 1989. A fundamental principle of the Act is that children should be supported within their family – unless it is necessary for their welfare to make arrangements for them to live outside their family.
- 5 Members of the Corporate Parenting Panel will be familiar with the work that the Local Authority undertakes with those children and young people who are looked after in permanent or long term arrangements. This report outlines the journey that children and young people take into those arrangements.
- 6 The Children Act and many of the subsequent amendments to it since its implementation in 1991 (e.g. the Adoption and Children Act 2002) enable local authorities and their partners to make arrangements for children to become looked after in several ways.
- 7 The main ways in which a child can come into the looked after system are outlined in paragraphs 8 – 14 of this report.

- 8 Section 20 of the Children Act 1989: this is usually a voluntary agreement between the parents of the child and the Local Authority and is often used in circumstances where there is family breakdown or where the parents agree to a short term looked after arrangement pending further assessments and/or safeguarding inquiries.
- 9 Occasionally children and/or young people may not have a person able to discharge parental responsibility (such as unaccompanied asylum seekers or abandoned children) and they can also be accommodated under s20 of the Children Act.
- 10 Upon application to the Court under the statutory guidance called the Public Law Outline, the Local Authority may be granted a care order under section 31 of the Children Act. Courts may grant an interim care order for the duration of the proceedings. The Children and Families Act 2014 sets a time-limit of 26 weeks (except by decision of the court) for care proceedings from application to conclusion. Any application requires that a threshold test is applied; the Local Authority must be able to satisfy the court that the child is suffering or likely to suffer significant harm if she or he remains in the care of their parents.
- 11 Before an application for care proceedings can be made, the Public Law Outline (PLO) requires local authorities to consider meeting with the parents and their solicitor and a pre-proceedings meeting. This meeting leads to the issuing of a letter before proceedings, setting out the changes that parents need to make and what the local authority will do to assist them. In Durham, this process is managed and reviewed through the monthly PLO panels.
- 12 Although there is an expectation of holding a pre-proceedings meeting within the Public Law Outline, this should only be if it is safe to do so for the child. If the circumstances require care proceedings to be issued outside of this, then the local authority is required to do so.
- 13 The outcomes from care proceedings can include: no order (child returns home), supervision order (usually the child returns home), care order but placed with parents under the placement with parent regulations, care order (with a view to permanence in foster care or residential care), placement order (which allows the local authority to place the child for adoption). In addition, the court can also grant a special guardianship order or a child arrangement order – usually to family members – which secures the child permanently in an extended family care arrangement.
- 14 The Children Act 1989 also provides for emergency admission into care. This can be either by way of an application to court for an emergency protection order (section 44 of the Children Act 1989) or by the exercise of police powers of protection (section 46 of the Children Act 1989).
- 15 The case studies at Appendix Two of this report, summarise some recent cases where the Local Authority has diverted children away from coming into care as well as the circumstances of a number of children who required the intervention of the Local Authority to become looked after.

- 16 Two critical issues for every child to becoming looked after are care planning and securing permanence. The Care Planning, Placement and Review Guidance (2015) requires all looked after children to have comprehensive care plans and for these to be reviewed by an independent reviewing officer at regular intervals. Permanence means the long term plan for the child's upbringing which ensures a framework of emotional, physical and legal conditions that gives a sense of security, continuity, commitment, identity and belonging.
- 17 The purpose of care planning is to ensure that the child's needs are being appropriately met both now and into the future. Furthermore by the second looked after review (at 4 months) there should be a clear understanding how the child can secure permanence. This can be by a planned return home to parents or via long term looked after arrangements in foster care, residential care, adoption or a placement with connected persons (friends or relatives) through a special guardianship order or child arrangement order.
- 18 Entries to the looked after system therefore, whether by parental consent (section 20), emergency or police protection or through application to the family court all require clear plans and regular monitoring and review.
- 19 In order to gate-keep access to the looked after system, Children and Young People's Service holds a weekly Looked After Placement and Resource Panel. Social workers are required to submit business cases to the Panel so that placements are planned and agreed in advance. In addition each week one of the Strategic Managers is on duty in case there is a request for an emergency admission outside the panel process.
- 20 Interventions that are currently in place to address the issues that lead to children and young people potentially coming into care are:
  - Intensive family support services via community support team including family group conferences, restorative practice based interventions
  - Intensive support from family workers and senior lead professionals in the Families First Teams
  - Pro-active work within the public law outline – in the last year 33% of cases that required a pre-proceedings meeting did **not** proceed to an application to court for care proceedings
  - Stronger Families interventions including practical help, support and access to resources where appropriate
  - Timetabled care planning with rigorous timescales for a return home.

### **Current Service Demands**

- 21 At the time of writing this report (31 October 2017), there were 790 children looked after by Durham County Council. This compares with 732 on 31 October 2016 and 658 on 31 October 2015.

- 22 Of the 790 children on 31 October 2017, 226 were being case managed in the Families First or Child Protection Teams. This means that 28% of children currently looked after are currently on their journey to permanence through the care system.
- 23 Another indicator of service demand is the increase in volume of care proceedings over the last few years. Durham County Council made 297 applications for care proceedings on individual children in the year 2016 – 2017. This compares with a total of 261 applications in the year 2015 – 2016 and 215 in the year 2014 – 2015. 80 applications were made in quarter one of this fiscal year.
- 24 The Department for Education has recently published its annual statistical returns on looked after children. Durham County Council's rate of looked after children is 81 per 10 000 compared to the England average of 62 per 10 000. In 2016 the Durham rate was 68 per 10 000. Whilst there is no doubt that the Council's increase has been significant, the rate remains well below the North East rate which is 92 per 10 000.
- 25 Members will be aware that this significant increase in demand has put pressure on social work services and fostering and residential services. There are a number of reasons behind this increase:
- Changes to the approval of extended family members as temporary foster carers (following the Ofsted inspection in 2016)
  - Improved practice in the recognition of neglect and its impact on children and young people – 73.4% (387/527) children on a child protection plan are under the category of neglect
  - High levels of domestic abuse and problem parental drug and alcohol use underpin many of these cases
  - An increasing number of looked after arrangements are driven by parental mental illness
  - A significant number of women who have had children previously removed through care proceedings are continuing to become pregnant. An analysis of care proceedings since 2014 undertaken by an organisation called Pause identified 127 women who between them had had 424 children removed
  - A high level analysis of the correlation between deprivation and rates of children becoming looked after carried out by Corporate Planning and Performance suggests that there are strong links between the two: rates of children looked after are 1:40 per 10 000 in the most deprived and 1:1300 per 10 000 in the least deprived areas of the County. The rate of becoming looked after in Horden East and Easington Colliery North is 1:12 per 10 000.

## **Service Response**

26 A number of strategies are in place to address this increase in the numbers of children becoming looked after. These include:

- The development of an edge of care service to address family breakdown – aimed at those children and young people 11 and over – including expanding the existing family group conference services
- The development of a pre-birth team which will work with parents who have had children previously removed
- Refocussing the family support services via One Point and Families First Teams so they are targeted on the most vulnerable families
- Work with the voluntary and community sector to both support families but also mitigate the effects of poverty and insecure employment and housing through income maximisation and advice
- A placement sufficiency strategy to increase the number of suitable foster carers within the County and reduce reliance on expensive private sector placements
- Early permanence planning so that those children who enter the looked after system are able to be placed permanently (including returning home) as quickly and safely as possible.

### **Conclusion and Recommendations**

27 This report has provided members of the Corporate Parenting Panel with an overview of the child's journey into the looked after system and some of the associated pressures on the system.

28 Members of the Corporate Parenting Panel are requested to:

- i. Note the content of the presentation
- ii. Comment accordingly on the presentation
- iii. Indicate if more information is required from the service.

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## **Appendix 1: Implications**

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**Finance** – None

**Staffing** - None

**Risk** – The report outlines the statutory and regulatory background to children and young people becoming looked after. A key part of this work is to ensure that the welfare of children and young people across the County is actively promoted and that they are safeguarded from risk of significant harm.

**Equality and Diversity / Public Sector Equality Duty** – None

**Accommodation** - None

**Crime and Disorder** – None

**Human Rights** - None

**Consultation** – None

**Procurement** - None

**Disability Issues** – None

**Legal Implications** – The report highlights the legal framework that underpins the delivery of statutory social work services to children and young people becoming looked after in the Council

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## **Appendix Two: Case Studies**

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### **Edge of Care Case**

Child G: 13

G is a 13 year old young person. Support was offered from One Point, School and CAMHS but their behaviour was such that parents were struggling to the point they thought they may need them to become looked after.

Over a number of months we utilised a number of services to support this family. A family Worker provided intensive support around parenting and managing the young person's behaviour. CAMHS remained involved and the family also worked with the Community Support Team (CST) who arranged a Family Group Conference.

G has accessed support for activities outside the home and the extended family have pulled together to support each other.

A number of times we thought G would have to become looked after, however by providing the intense support when things were in crisis and utilising all of the agencies involved and finding more support where possible, the young person remains at home.

### **Public Law Outline Case Study**

Child A: 1 year old

A referral was received from the Community Midwife as parents had a number of children previously removed from their care. The concerns for these children had been significant with enduring harm suffered of a high level (neglect). There was particular concern around emotional abuse as one of their children was significantly emotionally harmed and parents had previously failed to demonstrate any insight around this, they were unable or unwilling to work with professionals to increase their insight and improve their parenting.

A was made subject to a Child Protection Plan (pre-birth) and the Public Law Outline was entered.

Parents engaged fully with the pre-birth assessment and the baby went home from birth, post birth assessment commenced and parents continued to engage fully, they worked hard on maintaining positive changes in terms of their parenting and engaged well with all professionals demonstrating insight into the previous concerns and a motivation to maintain a good level of care to their child, recognising and acknowledging the harm their older children had suffered in their care.

The case is now closed to the LA with a successful outcome.

### **Care Proceedings to Adoption Outcome**

Child B;

Mother, father and child lived in a local authority in the south of England until January 2016. The previous local authority had had concerns that the basic care needs of B were not being met. Professionals were increasingly concerned that the child was suffering from neglectful parenting which included, consistent poor home conditions, lack of stimulation and food, and deterioration of parents' mental health. Furthermore there were concerns that parents would not engage with professionals in a meaningful way and were reluctant to receive support from agencies.

The family moved to County Durham before these concerns could formally be addressed and the child was placed on a child protection plan. It very quickly became apparent that the family were in deep crisis and the parents effectively ceased caring for their child. The social worker and the Emergency Duty team undertook daily visits over a course of 6 days and the home conditions and quality of the child's life continued to deteriorate. Care Proceedings were issued and the child was removed on an interim care order and placed with foster carers.

Subsequently the Local Authority secured a care order and placement order and the child was placed with prospective adopters this summer.

### **Care Proceedings to Special Guardianship**

M and K – aged 12 and 6

M and K were the subject of care proceedings in 2015 and their grandparents became their special guardians (under a Special Guardianship Order) as an outcome of these proceedings. Unfortunately due to unexpected health and family issues the grandparents could no longer continue in this role.

The children were placed with an aunt by family agreement and the aunt was approved as a temporary foster carer under Regulation 24 of the Fostering Regulations.

The aunt has subsequently been fully approved as a foster carer for both children. She has resolved to be their permanent carer and the next step is to support her to become a special guardian for both children herself.