

# Agenda

## *STATUTORY / MANDATORY / DISCRETIONARY SPEND (ACHIEVEMENT AND LEARNING) TASK & FINISH GROUP*

**Date:** Thursday 11 February 2010  
**Time:** 10.00 am  
**Venue:** Aylesbury Town Council Offices

Agenda Item	Time	Page No
1 APOLOGIES FOR ABSENCE		
2 DECLARATIONS OF INTEREST		
3 NOTES OF THE MEETING HELD ON 25 JANUARY 2010		1 - 12
4 INTRODUCTION BY CHAIRMAN Brenda Jennings, Chairman of the Achievement and Learning Task and Finish Group, will open the meeting.	10:00am	
5 EXCLUSION OF THE PRESS AND PUBLIC To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 2 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information which is likely to reveal the identity of an individual		
6 CHILDCARE COURT PROCESSES <b>Contributor:</b> Yvonne Gibson, Group Solicitor, Childcare Legal Team  <b>Purpose:</b> Yvonne Gibson will attend the meeting to give an overview of the court processes involved in the placement of looked after children. She will describe how and where blockages may occur in the system, leading to potential additional costs to the local	10:10am	



INVESTOR IN PEOPLE



authority, and how these might be mitigated.

## **MEETING CLOSES - 12PM**

---

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

*For further information please contact: Helen Wailling on 01296 383614  
Fax No 01296 382538, email: [hwailing@buckscc.gov.uk](mailto:hwailing@buckscc.gov.uk)*

### **Members**

Mrs M Aston  
Mr N Brown  
Mr T Egleton  
Mr N Hussain

Mrs B Jennings (C)  
Mr M Phillips  
Mr B Roberts

### **Co-opted Members**

Mr J Bajina, Parent Governor, Secondary Sector  
Mr R Davey, Church of England

# Minutes

## *STATUTORY / MANDATORY / DISCRETIONARY SPEND (ACHIEVEMENT AND LEARNING) TASK & FINISH GROUP*

**MINUTES OF THE STATUTORY / MANDATORY / DISCRETIONARY SPEND  
(ACHIEVEMENT AND LEARNING) TASK & FINISH GROUP HELD ON MONDAY 25  
JANUARY 2010, IN MEZZANINE ROOM 3, COUNTY HALL, AYLESBURY, COMMENCING  
AT 10.02 AM AND CONCLUDING AT 2.01 PM.**

### **MEMBERS PRESENT**

Mrs M Aston, Mr J Bajina, Mr N Brown, Mr R Davey, Mrs B Jennings (Chairman), Mr M Phillips  
and Mr B Roberts

### **IN ATTENDANCE**

Mrs J Burke, Policy Officer, Children's Services  
Mr A Dinning, Divisional Director for Safeguarding  
Mr C Munday, Divisional Director, Commissioning and Business Improvement  
Ms H Wailing, Democratic Services Officer

### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 INTRODUCTION BY CHAIRMAN**

The Chairman welcomed members to the meetings and said the following:

- This was phase 2 of the Review. It was probably not possible to make any large savings in this area, but members should look at any ways of making small savings.
- Out-of-county placements do not necessarily mean outside the Buckinghamshire County Council (BCC) area. They include in-county provision which is not from BCC (e.g. independent provision).
- The Group need to look at how the services can be delivered and if they can be provided differently.



INVESTOR IN PEOPLE



## 4 THE PLACEMENT PROGRAMME

**Chris Munday, Divisional Director for Commissioning and Business Improvement, was welcomed to the meeting and told members the following:**

Placements - generally for a child in more specialist provision, often away from their parent (legally this can be done under the SEN statement if the needs can't be met locally).

Placements are also made under the Children's Act - S.20/S.31 (fostering placement – either with parents' agreement or without) or S.25 Secure Accommodation.

Some placements are made by the parents themselves (e.g. boarding schools).

Fostering can be with friends and family or residential-type provision.

There are major private fostering providers (e.g. FCA, based in Wendover).

'Out-of-county' schools – same applies - i.e. that they can be within Buckinghamshire (e.g. Penn School).

A number of placements are joint (with Health, Education, Social Services) and there are a range of ways in which placements are made.

Two years ago we looked at all the placement work (in particular SEN provision), and visited all Pupil Referral Units (PRUs), SEN units and special schools with the Cabinet Members for Adult Social Care and Resources to pull together a strategy regarding buildings/estate.

We decided that we needed a broader programme of work looking at the following:

1. Assessment – integrated specialist assessment
2. Commissioning of placements
3. SEN re-provisioning – did it meet the needs of the community?
4. Requirements of the 'Children in Care' White Paper

1. The Placement Board was set up (Chris Munday chairman) with Louise Goll, Alan Dinning and key officers from health and other sectors.

Regardless of the route by which a young person is referred, the placement should meet their needs and the assessment should include all the relevant information.

Also looked at the Panels – seemed a 'sledgehammer to crack a nut.' Also are they early enough in the process? E.g. Creative Solutions Group meetings are far too late.

Work is ongoing

2. 'Towards a Placement Strategy' - looking at different ways of managing the market more effectively.

Finalising work with six other Local Authorities (LAs) for a regional contract for specialist provision (25 places) - residential plus school for low-incidence, high-need children.

There is also agreement to explore a Strategic Partnership for Fostering – 12 LAs are interested - join with independent providers in a partnership arrangement to best meet needs locally.

3. Some of this work done already e.g. Furzedown School was prioritised through 'Building Schools for the Future.'

Also have some funding for a residential provision for Autistic Spectrum Disorders (ASD) at the Verney Unit in Wycombe. There are a growing number of young people with ASD and a growing number of young people with Behavioral, Emotional and Social Difficulties (BESD), especially girls – need to increase provision for girls with BESD. Proposals are still being worked on.

#### 4. Changes are required –

- Introduction of a Sufficiency Duty – need sufficient local provision to meet needs.
- There is a requirement of a new type of relationship with reviewing officers and how they manage the care plans. There is also a clause that the IROs could be moved into another body.
- There are also changes to the Corporate Parenting Panel (CPP). The CPP has been developed and a Pledge issued. CPP about to launch a leisure card (will not stigmatise the young people).

Nationally there is a significant challenge to meet needs and we need to invest appropriately.

The Not in Employment and Education (NEET) figures are good in Bucks but are higher for schools with behavioural issues.

#### **Questions from members:**

Q. It is difficult to pick up children with issues in Early Years/Playgroups. It also takes a long time to get them assessed. Has this improved?

A. There is a specific team in Early Years who are looking at special educational needs. We need to look at whether the assessment should be the basis of access to services, or should the provision be available anyway? (We would give additional money to schools). Ask Louise Goll about the triggers for the statutory assessment process.

Q. Parents have expectations too. They can go to a tribunal if they are not happy. This is a major issue.

A. We understand where the parents are coming from but this is a challenge for us. It is a debate over who knows what is best for the child.

Q. Are children's needs being picked up early enough? Is it the inadequacy of parenting which aggravates the child's problems or is it a health issue?

A. The real challenge is that it is very different with different types of need. In Stoke Mandeville or High Wycombe there is good joint planning with health services. It is more challenging where there is a social need. It is also more challenging where it is on the threshold (e.g. Autistic Spectrum Disorders (ASD)). Also BESD may show later.

Early intervention is part of the Children and Young People's Plan. There is difficulty showing a causal link. Investment in preventative services is hard to explain as it is not statutory. However if you do not spend money on prevention the statutory burden will be larger in the long term.

Q. I support residential units in special schools if appropriate - children with special needs do not need a dysfunctional life at home. Where is the funding coming from?

A. The funding is coming from the Schools Capital Programme. 'Our School Estate' document looked at where the most value would come from investment. The Cabinet Members for

Achievement, Learning and Skills and for Safeguarding Children and Young People decided to make that a priority.

Q. New sufficiency duty – re: development of Bucks in regional contracts, how do you equalise finance when you work across Local Authorities with different provision?

A. Residential provision is based on the cost per placement which is the same for each Local Authority.

Strategic Partnership for Fostering – we are looking to see if we can get more for our money collectively e.g. advertising budgets or Panels.

IFA market – there are some small organisations and some large organisations. We can't get efficiency if we are only buying a small number of carers. We have to ensure that we meet our own statutory requirements. We are also looking at what we can learn from a variety of different sectors.

We are part of the London Consortia. We can hold organisations to account and we have buying power. This could not have been achieved by BCC on its own.

Q. With regards to intervention, when do we get to that point and how is intervention triggered? There was a case last week in Doncaster. Could this have been prevented if someone had intervened earlier?

Also, can you explain commissioning monitoring and standards?

A. Parents often trigger intervention, as well as Health Visitors or Teachers. The route the intervention goes down depends on who triggers it e.g. parental intervention goes through social care. Would the child end up in the same type of placement if the intervention was by the teacher? The Early Delivery Team is looking at what could be done differently. The Doncaster case was horrendous and it is sad that it has been politicised. Intervention could have happened earlier. Lessons from the Serious Case Review have to be learnt. The challenge is regarding thresholds – the court threshold is 'not very good parenting' – a child who does not meet the threshold may still be at risk.

The earlier that you intervene with any case the better it will be. We have to come to a point when we say 'we have done enough' and we change tack.

In Commissioning there have been some changes under transformation. I have a team called 'Access to Resources' to get placements. They also ensure that the placement meets the needs of the child and they monitor the case from a placement perspective (Social Care monitor from the point of the individual child).

There are two types of contract – a national contract and the Pan London contract. Members decided to use those, rather than our own.

There are risks with all these placements. The risks increase the further the placement is from home as there is less robust monitoring.

Q. How many placements do we have outside Buckinghamshire?

A. I can send you the figures. These are mostly residential placements but there might be fostering placements for large groups of siblings. We also have a map I can bring.

Q. How many placements are coming into Buckinghamshire from other counties?

A. We don't have the figures as the other local authorities don't necessarily tell us. As far as I am aware there are about 16 children in care in Buckinghamshire who are from other Local Authorities.

A placement away from home is not necessarily a bad thing if there is a reason for it.

Q. If relationships with the family have not broken down, how do you maintain contact with the family for the child?

A. We fund contact sessions. There are proposals in the 'Families' green paper - the rules regarding grandparents are changing.

Q. Early intervention – the young people have a wide range of issues (children born with BESD etc; children damaged in the womb - alcohol and heroin abuse; abuse in the family; social dysfunction).

With regards to the Creative Solutions Group, who are the partners?

A. Health, Education and Social Care.

Assessment work - they are looking at who should sit on that group and when they should act.

Q. Concerning the issue of regional co-operation, this will still need monitoring, transport, social services.

Access to resources – would like to know more.

BCC has been going forward on SEN/BME and a clear sense of leadership has been taken.

Q. It sounds as though many decisions have already been made but they have not yet been implemented. What can we question?

We also need figures.

Is not sending a child out of the county the best way forward? We should not be limited in the view that we take.

A. I am happy to send a child out of Buckinghamshire if doing so will meet their needs better than if they remained in the county. This needs to be clear from assessed needs.

No decision has been taken regarding this as yet. We are still exploring the issue.

Low-incidence needs often need a bigger solution (often national) e.g. there are not enough children to have a secure unit or a school for the blind in Buckinghamshire.

I have been asked to comment on the statutory guidance. We need to think radically and differently. Doing the same thing will not deliver the changes or the efficiencies that we need.

Q. Sufficient duty – does it give guidelines in terms of numbers?

A. no

Q. If the number of looked after children increases, is there a trigger level?

A. There is no figure in the guidance. It only contains a caveat of 'reasonableness'.

We have tended to look at key areas where we can work together regionally (neighbouring authorities fall into 3 regions).

Legislation gives us a peg to hang doing things differently on. The placement of children is a statutory requirement if they meet the threshold.

The IFA commissions Social Workers to undertake assessments - should we be thinking about that kind of approach?

Q. The cultures of Education, Social Care and the PCT have to change and work together. How did you work with the PCT? Also, fostering arrangements - I sit on a Fostering panel.

A. Ask Alan Dinning about fostering capacity. The Strategic Partnership should give us more capacity. We need to ask why a number of foster carers prefer to work for the IFA. We should have a whole system outlook, rather than 'in-house' and 'external'. We need to manage this as a whole.

The PCT is working with us on this programme. They are under serious financial challenges but it is moving together. There is a pooled budget for residential respite which will mean efficiencies.

There are some ongoing challenges such as disagreements over who should pay – this needs to be better evidenced. There is also the challenge of Continuing Care.

The PCT are trying to work with us.

Q. Are Physical needs more straightforward than mental health needs?

A. There are also social needs, and more work is needed with parents. With regards to children with physical needs (acquired or from birth), it is whether facilities can be adapted to accommodate them. There is a perceived increase in the number of premature babies who survive.

Those children with physical needs should have the same opportunities as able-bodied children ('Aiming Higher' – Longridge –boating). This is a small investment but it bears fruit.

The real challenge is how to deal with the BESD shift, whether it is through assessment or that the numbers are increasing. There is no provision for girls in Buckinghamshire.

Debate with Louise Goll later.

Q. Can we have the figures for BESD in Buckinghamshire? What about funding?

A. This comes from the Government as Health Funding from the PCT. The DSG (funds SEN provision); special schools, residential placements - are ring-fenced grants. There is social care funding (not ring-fenced) for safeguarding placements. One of the challenges is that everyone wants to protect their own budgets.

There is no point in pooling three overspent budgets as you get three times the pressure.

A shift needed - the three budgets need to be seen as one - a change in one will have an effect somewhere else.

Q. There is a Schools Forum meeting tomorrow and Special Schools Funding is on the agenda re: boarding places. Schools Forum sits outside BCC.

A. Proposals have been considered in the overall context due to the new Board. Do we feel that boarding provision is the best way? It is historical.

Q. Young people in dysfunctional families would benefit from a weekly provision of boarding facilities.

A. Whatever we do needs to be thought about as a whole. Boarding in Buckinghamshire has been set up historically for educational needs not social needs.

Q. The needs have changed. One or two of the boarding provisions are not ideal as you say.

Q. Do boarding schools develop a dependency issue?

A. I would recommend going to see some of the boarding provision.



Q. How do we compare with other Local Authorities in our provision for boarding care?

A. We have had some very serious issues. We have had to close some of the boarding provisions due to. There is no evidence that it is worse than anywhere else. We need a range of different provisions which are targeted to meet need.

We need to put young people in the middle. At the moment the system around them is disjointed and it needs to be joined up.

The Chairman thanked CM, and said that the discussion had been very valuable.

*Morning session ended 11.50am*

LUNCH

## **5 CHILDREN IN CARE**

*Afternoon session commenced 12.22pm*

**Alan Dinning, Divisional Director for Safeguarding, was welcomed to the meeting and gave a powerpoint presentation (attached).**

### **Questions from members**

Q. Can savings only be made via how you prioritise?

A. The numbers are to do with the numbers coming in and also the rate of young people leaving the system. This can be hindered by delays in Court or by CAFCASS. Part of the strategy is how we address that.

Our thresholds are about right. We are not over-cautious. I personally scrutinise any request for an out-of-county placement with Heather Clarke. There are no unnecessary placements. The only other way is to live with more risk in the community.

Q. You said that there are approximately 18 more young people in residential care in Buckinghamshire than in comparative Authorities?

A. Yes approximately. There are no residential placements under £2000 per week. There is a statutory review every six months and three/four team meetings in between. Auditing to address the drift.

There is some concern as there are currently 40 vacancies for social workers. 34 of these are covered by agency staff. There is a small turnover which leads to drift in some cases.

Q. Why are they with an agency?

A. Because of the flexibility, variety and because they get paid more.

BCC pays £63,000 a year for an agency worker and £40,000 a year for a permanent Social Worker.

Q. Is there any reason for the increase in referrals?

A. The rate fluctuates – constant trend is always upwards. April - August 2009 was the biggest rate of increase. It is complex as Buckinghamshire has always had a relatively low number of looked after children. Now we are more in keeping with our comparators. Perhaps we are better now at identifying issues. Baby P has also increased referrals, and the credit crunch.

Asylum seekers are our responsibility when they arrive in Aylesbury. We have had an instance recently where 4 asylum seekers arrived in one day.

Health has the problem of 50% health visitor vacancies. BCC are quite often presented with crises where the only immediate solution is to remove the child.

The increase is not just in Buckinghamshire –see CAF/CASS handout.

Q. I sit on the Fostering Panel and am aware that a large number of the older foster carers are retiring.

The time that the courts take to come to conclusions is very concerning. It must be very disturbing for the child and also very costly.

A. You are absolutely right. The older fosters carers will finish over the next few years. We haven't matched the rate of retirement with the rate of recruitment. We have also raised our expectations of care qualifications which has meant that some foster carers have left.

I have challenged the foster care team to recruit 60 more carers by March 2011. I am optimistic we can do that. We offer a good value service but it is very challenging to recruit foster carers.

Issue of delays in the Courts is complex – sometimes due to requests for additional assessment - speak to legal services.

We are £750,000 overspent on the legal budget. This is not just the in-house legal service - it is also barrister costs for county courts.

Q. How do you budget for the contact etc set by the Court?

A. You can reasonably predict based on previous trends, but the last 18 months have been very volatile. We hope that we have now reached a plateau as there is a sense of things settling down.

Our in-house contact service provides 400 hours of contact a year. I predict that 1487 hours will be reached by March 2010, so in the current financial year we will have had 1087 spot purchases for contact.

Q. Does the court have criteria for making these orders for contact?

A. The court is advised by CAF/CASS. However the people making these recommendations don't have the responsibility for funding them. Weekend contact is enormously expensive.

Q. Is there a contingency budget?

A. I had £500,000 but it has now all been spent. When I started in summer 2009, there was a predicted £3m overspend, but it is now greater than that.

Need to look further at the proportion which health services contribute to out-of-county placement costs (especially where there is a therapeutic component).

We constantly look at all the cases, wherever they are placed. We strive to place children in families as this is the best place for young people. We keep out-of-county placements separate as costs are so volatile.

I would be keen to work on a funding formula to understand our in-house unit costs.

Chiltern View (in-house, short-stay unit) - £2300 per week. I would predict in-house would offer better value than external. Merryfields and the Grove are respite units.

Q. What is the cost of Churchill Avenue? [AD to find out].

Q. With regards to the lack of foster carers, is this due to what we pay?

A. The rate of pay is good compared to other Local Authorities, but compared to private agencies it is not.

I try to offset cash comparisons with the advantages of being a foster carer in a larger Local Authority (training, development etc). We also want to look if there is any added value we can add for foster carers.

Fostering has to be council –wide, not just my service, due to corporate parenting responsibility.

Q. Are there language issues for carers?

A. Yes, this is a constant challenge. Medium-term or long-term family placements - try and match language and culture.

We struggle with asylum seekers. We have an interpreting service and are supported by the Refugee Council.

JB

The Muslim Parents Association can help re: Pakistani.

Apparently the lack of foster carers is very acute in BME areas. Louise Goll made a presentation at the Community Group last week.

I am surprised due to the extended nature of Pakistani families.

I will send the details to J Burke.

Q. What was your expenditure in 2009?

A. We broke even across Children and Young People's services. I will send the figures.

Q. What are your annual figures for asylum-seekers needing care?

A. I will provide you with the figures. I think there are currently 46 asylum seekers in care, and the rate has gone up.

Q. At what age do young people leave care?

A. They leave care at 18 but young people at university are looked after up to age 25 (about 19 yp at uni at the moment).

The Chairman said that the old Children's Services OSC did quite a lot of work with Children in Care and one recommendation was for continuity to the age of 25.

[Jane is to send a report to AD].

Q. How many young people from other Local Authorities do we have in Buckinghamshire?

A. I will check as some children could be with independent foster carers or agencies.

We have the responsibility for S.47 investigations if these are necessary.

The boundary cross over is probably a greater issue for education than it is for social care.

Q. Is there a regional approach to social care?

A. There is quite a lot of collaboration. We work closely with other organisations in adoption. We often look outside Buckinghamshire as we have reciprocal arrangements with other Local Authorities.

Fostering involves a lot of regional work. The Pan London agreement is recommending a 0% rise in fostering allowances. There are regional benchmarking activities. There are also regional initiatives to commission some of the residential placements and a joint unit.

Q. If you had to trigger any cultural change, what would it be?

A. Staff are not as financially aware as I would like them to be. They need to be more performance- orientated.

Q. With regards to adoption, how practical is it to look at extended families?

A. Friend and family placements require special guardianship, residence order etc. The first thing we look at is the possibility of placing a child in an extended family. The grandparents have more rights and responsibilities now (under the Private Law Act).

Q. Are preventative measures adequate for all ages?

A. They are very good for the under-5s (Children's Centres and the Family Support Service). For the over-5s we need to do some work – community-based support packages needed - will help with some of the current pressure to accommodate adolescents. I am a little worried as the Health Visitor capacity is reduced at the moment which has a knock-on effect on cases coming to us.

Integrated Practice – common assessment framework. I want to see how many lead professionals are provided by other agencies – mainly BCC or school.

Q. Are Children's Centres providing for the families we really want them to?

A. They don't come under my remit. I was responsible for them in Hertfordshire. Their main function is co-ordination. Health Visitor numbers will impact on Children's Centres. Children's Centres had funding from last year to appoint outreach workers for hard-to-reach families. It is much harder to identify hard-to-reach families in a County as opposed to in a unitary. I would ask 'how stretched are Health Visitors at the moment? There is also the question of outreach work being done by the Children's Centres.

A concern which is always there: if you compare proportions, BME groups are much more likely to be looked after or to have child protection concerns. The problem is that the preventative services are less accessible to BME communities. Buckinghamshire has a greater proportion (double) of BME young people in care than our comparative Local Authorities.

We have 1000 referrals a month, 500 of which are from the police. Other agencies need to screen the referrals and only pass us the appropriate cases.

Q. Is that the same for the Courts? Is there a responsibility for them to be more pragmatic?

A. Have discussed with Yvonne Gibson in Legal Services how we could make representation to the Courts. There will come a point where it is impossible to stretch things any more. Many of the complex cases are in the County Court. We have a Court Liaison Committee which is made up of Local Authorities.

Q. We are short of 60 foster carers. Is this a national trend?

A. Nationally it is more difficult to convince people to be foster carers. There is the question whether we have approached recruitment as actively in the past as we could have.

Q. What type of people become foster carers? Foster carers could be recruited through churches/faith organisations.

A. They tend to be people who are not on higher income bands.

As housing is so expensive in Buckinghamshire, both partners usually have to work. Therefore they don't meet the requirements of many of our young people needing foster care, especially the under-5s.

With regards to the comparative spend per head of young people under 18, Buckinghamshire is on the low side. I will send Jane a graph detailing this information.

Q. Is each Plan comparative in funding whether in Islington or Buckinghamshire?

A. My feeling would be that we spend less per head. Staffing costs are different. On paper we look better as our pay scale goes up higher but it is not clear at what level of pay new staff start on. When we compare with other Local Authorities, we can't provide key worker housing.

**CHAIRMAN**

