

SHADOW EXECUTIVE
17 March 2009

SUBJECT	ESTABLISHMENT OF A CORPORATE PARENTING PANEL 1. To advise the Shadow Authority of its statutory duty and powers in relation to its Corporate Parenting role and roles relating to the statutory Adoption and Fostering Panels. 2. To ask the Shadow Executive to agree to the establishment of a Central Bedfordshire Corporate Parenting Panel and to appoint members of that Panel and to the statutory Adoption and Fostering Panels.
REPORT OF	Director of Children, Families and Learning
<i>Contact Officer: Patricia Coker (0845 849 6091)</i>	

IMPLICATIONS

SUSTAINABILITY	None
FINANCIAL	There are no additional financial costs arising out of this report.
LEGAL	The Shadow Executive is responsible for taking steps to prepare for the transfer of functions from the County Council on 1 April 2009. With effect from that date, Central Bedfordshire Council and elected members will have a corporate parenting role. This is a legal responsibility given to local authorities by the Children Act 1989 and the Children Act 2004. This means that all council employees, directorates, services areas and elected members must consider 'looked after' children and young people as if they were their own children and provide services for them accordingly.
PERSONNEL/ EQUAL OPPORTUNITIES	There are no Personnel implications. There is a requirement to ensure that all children and young people have the opportunity to make known their views about the services they receive and to be able to make representations if they feel dissatisfied. Central Bedfordshire's Children, Families and Learning Directorate will ensure that users of the services for looked after children will be able to make known their views about the services that they receive.
COMMUNITY DEV/SAFETY	None
TRADES UNION	None

HUMAN RIGHTS	Children and young people have a right to be heard in respect of the issues that impact on their lives. This is stipulated in the Children's Acts 1989 and 2004, as well as in associated guidance and regulations and the United Nations Convention on the Rights of the Child which provides an overarching framework for the right of the child to be heard in any judicial and administrative proceedings affecting him or her (Article 12) and to receive special protection in care (Article 20). The establishment of the panel will allow the council to fulfil its obligations in these respects.
KEY ISSUE	Yes
BUDGET/POLICY FRAMEWORK	No

OTHER DOCUMENTS RELEVANT TO REPORT
<ol style="list-style-type: none"> 1. The Children's Act 1989; 2004; 2006. 2. Children (Leaving Care) Act 2000 3. Children and Young Persons Act 2008 4. Promoting the Health Care needs of Looked After Children, Nov 2002 5. Guidance on the Education of Children and Young People in Public Care 2000 6. Care Matters: Transforming the lives of Children and young people. Green Paper 2006

RECOMMENDATIONS:
<ol style="list-style-type: none"> 1. That the Shadow Executive approves the establishment of the Corporate Parenting Panel for Central Bedfordshire in accordance with the terms of reference set out in Appendix 1 to this report. 2. That the Shadow Executive notes the legal responsibility given to local authorities by the Children Act 1989 and the Children Act 2004, and the requirement that all council employees, directorates, service areas and elected members must consider 'looked after' children and young people as if they were their own children and provide services for them accordingly. 3. That the Shadow Executive assigns the accountability for the Corporate Parenting Panel to the Central Bedfordshire Scrutiny Committee for the period April 2009 to June 2009 and considers transfer of accountability subsequently to the Children, Families and Learning Overview and Scrutiny Committee, when established. 4. That the Corporate Parenting Panel produce twice-yearly reports to be presented to the appropriate Scrutiny Committee.

5. That eight elected members be appointed in accordance with political proportionality (6 Conservative and 2 minority) to serve upon the Corporate Parenting Panel for the period April to June 2009, to include the Portfolio holder for Children, Families and Learning and a representative of the Social Care, Health and Housing Overview and Scrutiny Committee.
6. That the Shadow Executive notes the requirement, as set out in Appendix 2 to this report, to have in place Adoption and Fostering Panels (in the case of Central Bedfordshire the Fostering Panel will be split into Fostering and Fostering Permanence. (The latter to be referred to subsequently as the Permanence Panel)).
7. That one member of the Corporate Parenting Panel be appointed to serve upon each of the:-
 - (a) Joint Adoption Panel;
 - (b) Fostering Panel; and
 - (c) Fostering Permanence Panel.

Reason for Recommendation: Elected members have an overall responsibility for ensuring that children and young people, both while they are in care and when they leave the care of the local authority are: healthy; safe; enjoy and achieve; make a positive contribution and achieve economic wellbeing. The role of the Corporate parent is to ensure that the service the council provides, as a whole, contributes towards achieving these positive outcomes for these children and young people.

To secure a transition to the unitary council and to enable the Council to fulfil its statutory obligation within safeguarding to ensure the best outcomes for children and young people who are in the care of the local authority.

Background

1. Guidance on the Corporate Parenting role of the local authority can be found in Section 22(3) of the Children Act 1989 which sets out the duty of a local authority to safeguard and promote the welfare of all looked after children. This duty is exercised through the role of the corporate parent to children who are looked after. It emphasises the collective responsibility of a local authority, as a whole, to be a good parent.

2. The government in 1998 under the “Quality Protects” programme introduced the concept of corporate parenting. The Quality Protects Programme was the key vehicle for delivering the aims in Modernising Social Services of effective protection, better quality care and improved life chances for children. The programme underlined the importance of the role of elected members in delivering the programme and ensuring that, as corporate parents of looked after children, they receive services of the highest quality. Specifically elected members need to: be well informed about the children and young people for whom they are responsible; think about how children and young people are affected by council decisions; listen to what children and young people say; be a champion for children and young people.
- 3 In October 2003, the government, together with Local Government Information Unit, published “If this were my child ... A Councillor’s guide to being a Corporate Parent”. The guide sets out the role of elected members in ensuring that the whole council acts as an effective corporate parent by demanding the highest standards, ensuring systems and services are in place which reflect children’s needs, abilities, cultural and linguistic heritage and life experiences.
- 4 This corporate responsibility has been emphasised in successive publications and government initiatives, with specific emphasis on life chances and educational attainment for looked after children. Care Matters: Time for Change seeks to strengthen corporate parenting through a range of proposals, which are now reflected in the Children and Young Person’s Act.
- 5 The Children and Young Persons Act received Royal Assent in November 2008. The main focus of the Act is to enable children and young people who are in the care of local authorities to be able to achieve the same aspirations parents have for their own children. The Act reaffirms the statutory role of the local authority as corporate parent.
- 6 Key areas of the Act are to improve stability of placements for children and ensure more consistency for children in care; improve the experience children in care have at school, increasing their educational attainment; give pilot local authorities the power to test a different model of organising social care by commissioning services from 'Social Work Practices' and to enable regulation of these practices; increase the focus on the transparency and quality of care planning, to ensure that the child's voice is heard when important decisions that affect their future are taken; increase schools' capacity to address the needs of children in care and to make sure that young people are not forced out of care before they are ready, by giving them a greater say over moves to independent living and ensuring they retain support and guidance as long as they need it.
- 7 Corporate parenting also forms part of the performance assessment framework and the Joint Area Review which looks at the extent to which elected members and senior officers are informed about the attainment and progress of looked after children and the effectiveness with which they contribute to the role of corporate parents.

Looked after Children

- 8 The term ‘looked after’ was established by the Children Act 1989 to refer to any child or young person for whom the authority has, or shares parental responsibility through a Court Order (Section 31), or for whom the authority provides care and accommodation to the child or young person on behalf of the parent under a voluntary agreement. The Children (Leaving Care) Act places a statutory duty on local authorities to children aged 0 – 18 and up to 21 years as care leavers or 24 years if in full time education.

Proposed Membership

9. The Shadow Executive is now asked to establish a Corporate Parenting Panel. It is proposed that the Portfolio Holder for Children, Families and Learning chairs the panel and that seven other elected members, including a representative of the Social Care, Health and Housing Overview and Scrutiny Committee, form the Central Bedfordshire Corporate Parenting Panel, which, as far as is practicable, should reflect the political composition of the Council. It is also recommended that members of the panel should include: Looked After Children, Foster Carer representatives, NHS Bedfordshire representative and that others be co-opted by the panel as necessary. Proposed Terms of Reference for the Corporate Parenting Panel are set out at Appendix 1 to this report.
- 10 For reference, the current membership of the Bedfordshire County Council Corporate Parenting Panel is as follows; Seven elected members are appointed on to the Bedfordshire Panel (4 Conservative, 2 Liberal Democrat and 1 Labour), including the Portfolio holder for Children and Young People, plus 2 Foster Carers (non voting members) co-opted reps. There is a LAC representative and officers from the following areas who support the Panel – Assistant Director Children in Need, SEN (Inclusion and Access), Children's Participation (Social Care), LAC, Adoption & Fostering and Commissioning (Extended Community Placement), CWD, Head of Behaviour & Attendance.
- 11 It is understood that County Councillors who represent Central Bedfordshire Divisions currently serving upon the County Council’s Corporate Parenting Panel, are as follows: -

Cllrs J Fairbairn
S Goodchild
B Piggott
D Ross
P Swaisland

Sub: Cllr B Sadler

- 12 The key officer for the Corporate Parenting Panel will be the Head of Service for Specialist Services (Social Care) supported by the Director of Children, Families & Learning and all other Directors to reflect the Corporate priority of Looked After Children and request for all officers to support Looked After Children.

- 13 Elected members on the Corporate Parenting Panel, where possible, should be appointed as elected member representative for Adoption, Permanence and Fostering Panels. Details regarding Adoption, Fostering and Fostering Performance Panels and member representation on those Panels are set out in Appendix 2 to this report.

Background Papers: None

Location of Papers: N/A

File Reference: N/A

Central Bedfordshire Corporate Parenting Panel

Draft Terms of Reference

Purpose

To ensure that the Council effectively discharges its role as corporate parent of looked after children. The Corporate Parenting will be accountable to the relevant Overview and Scrutiny Committee.

Membership

The Panel will be a working group of elected members and senior officers from the Children, Families and Learning Directorate, other Central Bedfordshire Directorates and partners, including representatives of looked after children, their carers and other stakeholders as follows:-

Elected Members:

- Eight elected members, including the Portfolio Holder for Children, Families and Learning, and a member of the Social Care, Health and Housing Committee.

As far as is practicable the members shall be appointed in proportion to the overall political composition of the Council. The members appointed to serve upon the adoption and fostering panels shall be drawn from the members of the Corporate Parenting Panel.

Service Users, Carers and Schools (non-voting):-

- Two Foster Carers (non voting members) co-opted representatives.
- Two Looked After Children
- One Designated teacher

Senior Officers to support the Panel:-

- Head of Specialist Services
- Director of Children, Families and Learning
- Director of Social Care, Health and Housing
- Service Managers for Children's Participation (Social Care), Adoption & Fostering and Commissioning (Extended Community Placement), Disabled Children, Head of Behaviour & Attendance.

NHS Bedfordshire representative

Other officers may be invited from time to time.

Quorum A quorum of the Panel shall consist of three elected members. The Panel shall normally be chaired by the Portfolio holder for Children, Families and Learning. Should the Chairperson and Vice-Chairperson not be present, then a Chairperson and Vice-Chairperson will be elected to preside at that meeting.

FREQUENCY OF MEETINGS

To meet monthly relative to the production of volume and trend statistics and other performance related data.

Quarterly meetings held to review Regulation 33 report – Children home meetings.

SCOPE

To consider matters pertaining to the Council's role as a corporate parent to children looked after by Central Bedfordshire Council, in particular with regard to:-

- (a) integrated planning and activity for children looked after;
- (b) improving the health, education, employment, training and housing outcomes for children looked after by Central Bedfordshire Council;
- (c) improving outcomes for young people previously looked after by Central Bedfordshire Council;
- (d) ensuring the Council actively promotes opportunities for looked after children.

To agree the annual programme of quality assurance audits relating to LAC services and to consider their outcomes, including complaints, feedback and independent reviewing procedures.

To monitor the performance targets and the Children and Young Persons Plan as far as they relate to vulnerable children and young people in respect of volume and trends.

To consider quarterly reports on progress against trends in the annual Children's Services Service Plan in respect of LAC.

To have lead responsibility for ensuring effective participation arrangements for looked after children and care leavers with the Council and its partners.

To consider reports of visits to children's homes carried out under Regulation 33 of the Children's Homes Regulations 2001

To ensure that a programme of Members' visits to children's homes is established and sustained.

To consider specific anonymous case examples, which illustrate problematic decisions in respect of policy, budget and decision-making.

To consider reports from Regulatory bodies (CSCI/Ofsted) on services for LAC – Children’s homes, Fostering and Adoption.

To receive reports on the activity of the Children’s Trust under the headings Looked After Children and Safeguarding agenda.

REPORTING

A twice-yearly Report on the activities of the Panel be presented by the Chair of the Panel to the relevant Overview and Scrutiny Committee.

**Elected Member Representation on Central Bedfordshire Panels
For Children, Families and Learning**

Adoption Panel

All adoption agencies, are required to have adoption panels, (Adoption Agencies Regulations 1983). All the adoption agency's adoption work, making adoption plans for children, considering the suitability of prospective adopters and matching individual children with adoptive parents, must be considered by the panel and the panel's recommendations must be taken into account by the agency when making its decisions.

Panels must include members who are independent of the agency and must be chaired by someone equally independent of the agency.

The key role of the panel is:-

- To provide an independent scrutiny of proposals presented and to determine:-
 - Whether all the issues have been appropriately clarified; and
 - Whether the proposal is sound.

The Adoption panel has three key functions in relation to children and families. It must consider:-

1. The case of every child referred to it by the adoption agency and make a recommendation to the agency as to whether the child should be placed for adoption
2. The case of the prospective adopter referred to it by the adoption agency and make a recommendation as to whether the prospective adopter is suitable to adopt a child
3. The proposed placement referred to it by the adoption agency and make a recommendation to the agency as to whether the child should be placed for adoption with that particular prospective adopter.

A Central Bedfordshire Adoption Panel (CBAP) will operate as a joint adoption panel for Central Bedfordshire Unitary Council and Bedford Borough Unitary Council, under agreed Shared arrangements and the terms of a Service Level Agreement. (Regulation 3(5) of the Adoption Agencies Regulations 2005)

The Adoption Panel is constituted and operated under Regulations of the Adoption Agencies Regulations 2005 and Standards of the National Minimum Standards for Local Authority Adoption Services in England under sections 23(1) and 43(3)(a) of the Care Standards Act 2000.

Membership of a Joint Adoption Panel

The maximum number of members who may be appointed to the panel is eleven and by agreement between the local authorities, the following appointments are prescribed:-

- (a) Chairperson – with appropriate experience in adoption work – nominated and agreed by the two agencies.
- (b) Medical Adviser – to one of the local authorities.
- (c) An elected member from each of the two authorities.
- (d) Two social workers, each with at least three years' relevant post-qualifying experience from each of the two authorities.
- (e) Three independent members including where reasonably practicable at least two persons with personal experience of adoption and who must not be an employee or member of any of the authorities.

Elected member appointment

The guidance specifies that where possible, the local authority should appoint an elected member from the corporate parenting group or a member with responsibility for Children's Services. Furthermore, panel members in this role will operate on an equal basis with other members of the panel and should be subject to the same objective setting and performance review process as other panel members.

Panel members in this role need to be aware of and sensitive to the potential power dynamic between themselves and social workers from that agency who may be fellow panel members or may be presenting cases to the panel.

All panel members will be informed of their performance objectives and will be required to sign an acceptance form to record his or her agreement to these objectives.

The objectives given are:-

- Attendance at an agreed minimum number of panel meetings;
- Participation in induction and training
- Safeguarding the confidentiality of records and information submitted to the panel

The minimum attendance at meetings which is usually required is 75 percent.

National Minimum Standards for Adoption specify that an enhanced check with the Criminal Records Bureau (CRB) must be completed before a panel member can begin work. CRB checks will be renewed every three years. Although panel members will not usually have direct contact with children, they do receive comprehensive information on vulnerable children which could put children at risk if misused.

Prospective panel members will be asked to supply the names of two people who can give a reference as to their suitability as a panel member, CRB Checks and all panel members will be required to sign a confidentiality agreement. There will also be discussion with the panel member about the profession and/or personal qualifications and experience which will inform their contribution to the panel. The agency will require evidence of qualifications and experience, proof of identity including a recent photograph will also be required.

The Guidance also states that panel membership should reflect the composition of the community that the agency serves. Panels are likely to operate most effectively when there is diverse membership with a range of experience and expertise.

Permanence Panel

The Permanence Panel makes recommendations to the local authority and the fostering service provider on the following matters:-

- To consider whether permanence through fostering is in the best interest of a child under the age of 13 or a child aged 13 or more who is part of a sibling group, including younger children,
- To consider each application for approval and recommend whether or not the applicant(s) are suitable to be approved as permanent foster carer(s).

Fostering Panel

The establishment of fostering panels is laid down by the Fostering Services Regulations 2002. All fostering service providers must establish at least one fostering panel.

The Fostering Panel is responsible for approving prospective foster carers, reviewing their terms of approval and recommending the de-registration of foster carers in certain circumstances.

Regulation 24 of the Fostering Service Regulations 2002 outlines the required composition of Fostering Panels which must now include elected members of local authorities.

The maximum number of members who may be appointed to a panel is ten. At least eight of the member roles for the fostering panel are prescribed by Regulations. One of the prescribed roles is that there should be at least one elected member of the local authority. The other roles are left open to the agencies' discretion.

The Regulations specify one elected member from each agency. Although it is possible to have more than one, it is important to keep the panel balance finely weighted. Panel members who have responsibility as corporate parents are essential panel members.

Panel members will be required to undergo CRB checks and on appointment, be required to sign an agreement which reflects the protocol adopted for the Adoption Panel members.

Two elected members are required for the Fostering Panel, one from Central Bedfordshire and one from Bedford Borough .