

REPORT OF THE DIRECTOR OF LAW, HR and ASSET MANAGEMENT

DELIVERING IMPROVED OUTCOMES FOR VULNERABLE CHILDREN – REVIEW OF LEGAL SERVICES CHILD CARE TEAM

EXECUTIVE SUMMARY

This report outlines the additional capacity required within Legal Services to deliver improved outcomes for children in need, at risk of significant harm or who have experienced significant harm. The major drivers are the findings of careful scrutiny of Legal Services following Baby P; and the Council's Corporate Plan and objectives. This report seeks Cabinet's approval to fund this additional capacity by a transfer from Children's Services and the Efficiency Investment Budget. This report has been prepared in consultation with the Director of Children's Services.

1 Background

- 1.1 The Director of Children's Services has previously reported to Cabinet the strategy in place and the additional capacity required within the Children and Young People's Directorate to deliver improved outcomes for children in need, at risk of significant harm or who have experienced significant harm. In the Director of Children's Services previous report, the need for a review of the provision of legal advice and assistance to Children's Services was recognised as an integral part of the overall strategy to protect children who have suffered or are at risk of suffering significant harm and improve outcomes for looked after children. Guidance issued by the Law Society recognises that the steps involved in the decision whether or not a child should be made the subject of care proceedings will inevitably be a complex process, requiring in-depth and regular consultation and discussion between lawyer and social worker.

2 Response to Baby P

- 2.1 The Serious Case Review Executive Summary Report prepared by Haringey Local Safeguarding Children Board into the death of Baby P makes it clear that the provision of appropriate and timely legal advice was a material issue in the case and a series of recommendations were made about the provision of legal advice including:

'All staff in Legal should be reminded of the need to comply with case management and performance standards at all times including accurate recording, filing and adherence to agreed timescales.'

'Pending a strategic review, Legal Services should ensure that sufficient numbers of lawyers with strong experience of acting for a local authority in childcare proceedings are recruited or alternative methods of service provision are explored.'

- 2.2 Clearly, proceedings to protect children have to be instigated in a timely manner and sometimes on an emergency basis. There therefore needs to be a sufficient number of lawyers within the Council's Legal Services Section with appropriate experience to give advice, draft legal documents and to attend court in order to ensure that

applications for orders to protect children are made appropriately and as expeditiously as possible. Ensuring that sufficient numbers of lawyers are available to undertake child protection work will assist the authority in managing and reducing risk to vulnerable children and young people. Beyond the paramount consideration of helping protect vulnerable children, these proposals will also help reduce the likelihood of harm to the Council's reputation and reduce the likelihood of claims against the authority.

3 Reducing the number of Looked After Children

- 3.1 One of the Council's aims underpinning its strategic objective of raising the aspirations of young people is safely to reduce the number of looked after children. Following Baby P it is likely and understandable that both individuals and agencies will become more risk averse in child care matters and this will create significant service pressures. The Director of Children's Services has already reported on proposals to manage these pressures proactively within CYPD. However, if the number of looked after children is to be safely reduced, this will require further resources in Legal Services.
- 3.2 Presently, given its very limited resources, the Child Care Team in Legal Services must give priority to cases where children are actively at risk. This means that work on discharging Care Orders (where it is safe and appropriate to do so) is not prioritised. This could lead to some children remaining in the looked after category longer than is reasonably necessary. Additional legal capacity could support CYPD in safely managing down the number of looked after children and ensure that lawyers are available sooner to attend gatekeeping meetings with social workers to review cases where discharging proceedings may be appropriate. In turn, by providing 'critical challenge' in such meetings the quality of the Council's Court applications for discharge of Care Orders will also be improved.
- 3.3 Safely reducing the number of looked after children will support the achievement of corporate objectives, including the efficient use of council resources and assist the Director of Children's Services in reducing the costs incurred by his department when children are looked after.

4. The Public Law Outline

- 4.1 In early 2006, senior members of the Judiciary undertook a review of how the then current Protocol for progressing care cases was working, and made recommendations for improving the way in which child care cases were dealt with by the courts. The Government's Review of the Child Care Proceedings System in England and Wales, published in May 2006, also recognised that there were benefits in simplifying the then current Protocol and in improving case management procedures. It was therefore agreed that a new Public Law Outline would replace the Protocol from April 2008.
- 4.2 The aim of the PLO is to streamline the Care Proceedings process, with the six stages of the Protocol reduced to four, and with enhanced case management and advocacy preparation to support this. Together with revised statutory guidance for local authorities, there is increased emphasis on preparation pre-proceedings. The front loading of proceedings has significantly increased the work that needs to be undertaken by both Children's Services and Legal Services in order to instigate proceedings for Care and Supervision Orders to protect children. Given the increase in the amount of pre-proceedings work, this has had an impact on the Child Care Solicitors' capacity in relation to issuing proceedings, which always needs to be done

in a timely manner so as not to cause delay for children who are considered to be suffering or at risk of suffering significant harm. The requirement of the PLO for Advocates Meetings to take place before court hearings and for Case Management Orders to be drafted and filed in advance of hearings has also had a significant impact upon the Child Care solicitor's workload. All these factors serve to exacerbate the lack of resources for advising on safely discharging Care Orders as outlined above.

- 4.3 Another objective of the PLO is to improve the outcomes for children by reducing unnecessary delay and, to this end, to achieve the completion of all cases within an overall timetable of not more than 40 weeks. Additional legal capacity could support CYPD in reducing the overall timescale for proceedings and assist in reducing delay and helping children to achieve permanence more quickly. Delay can have a real impact on children, and section 1(2) of the Children Act 1989 specifies that delay in coming to a decision is generally to be regarded as likely to prejudice the welfare of the child. The longer it takes to resolve the question of whether or not a child should be taken into care, the longer a child has to wait for permanence in his or her life. This can mean it is more likely that children will live in a series of temporary placements until their future is decided, which may in turn impact on continuity in matters such as schooling and ultimately lead to children under achieving.
- 4.4 Reducing the length of time it takes to complete proceedings will also assist in reducing the cost of court fees and counsel's fees paid by the authority. The additional posts will reduce the need to rely on more expensive external legal advice and support and will support the Director of Children's Services in delivering an efficient and effective service.

5. Legal Services Child Care Team: Structure and Management

- 5.1 The Council's Legal Services Child Care team currently comprises three child care solicitors, managed by a Group Solicitor (who also holds responsibility for education and Adult Social Services). The requirements upon front line Child Care Solicitors have increased, and their capacity to provide good quality advice in complex situations has been starkly highlighted through the case of Baby P. In these circumstances it is vitally important that Child Care Solicitors receive good quality support and supervision. It is therefore proposed that the post of Senior Child Care Solicitor is introduced. The new post of Senior Child Care Solicitor will assist the Group Solicitor with supervision, workload management and allocation of cases across the Team and provide the capacity to drive forward improved performance and professional practice. The new post would need to have a revised job description and be submitted for grade evaluation. However, the indicative grade we would be looking for would be PO12 - 13
- 5.2 The creation of the two new legal assistant posts would also create additional capacity in the most cost effective way to alleviate pressures within the team by allowing the solicitors to concentrate on the more complex legal tasks and advocacy, whilst the legal assistants could deal with more routine legal work and attend court with Counsel. The new posts would need to be submitted for grade evaluation. However, the indicative grade we would be looking for would be Band H

6. Financial implications

- 6.1 The costs of the 3 new legal posts are detailed in the table below.

Post	Grade (subject to evaluation)	FTE	Cost
Senior Solicitor	PO12 -13	1	51,007
Legal Assistant	Band H	2	71,454

6.2 The cost of the posts has been identified as £122,461. A sum of £30,000 has been identified within existing resources in Children's Services. However, a further sum of £92,461 will be required to establish the 3 posts. Because these proposals will reduce the length of time it takes to complete proceedings; assist in reducing the cost of court fees and counsel's fees; reduce the need to rely on more expensive external legal advice; and support the Director of Children's Services in delivering an efficient and effective service, it is proposed that this sum is allocated from the Council's Efficiency Investment Budget.

7. Staffing implications

7.1 The posts detailed below would be offered as permanent appointments.

Post	Grade (subject to evaluation)	FTE
Senior Solicitor	PO 12	1
Legal Assistant	Band H	2

8. Equal opportunities implications

8.1 Equality Impact Assessments have been undertaken on the recruitment processes to be used and points raised within them have been addressed within the action plan.

9. Community safety implications

9.1 There are no implications under this heading.

10 Local Agenda 21 implications

10.1 The emotional and educational support put in place for children in care and care leavers in preparing young them for adulthood, which includes participating both socially and economically in society, will benefit the local community, reducing long term unemployment and the negative impact on young people's lives associated with unemployment.

11 Planning implications

11.1 There are no implications under this heading

12 Anti-poverty implications

- 12.1 The focus on improving outcomes for children in care and care leavers will enable more children and care leavers to find employment, training and education and reduce the number who are not in employment, education or training at age 19.

13 Social inclusion implications

- 13.1 The proposals outlined above support children and care leavers and promote social inclusion and community cohesion.

14 Local Member Support implications

- 14.1 The proposals put forward effect services to vulnerable children in all wards within the Borough.

15 Background papers

The Public Law Outline
Baby P Serious Case Review Executive Summary

RECOMMENDATIONS

- (1) That the additional posts of a Senior Child Care Solicitor and two posts of Legal Assistant in Legal Services be agreed and funded from (a) a transfer from Children's Services of £30,000 and (b) £92,461 from the Efficiency Investment Budget.
- (2) That the establishment of the new posts is referred to the Employment and Appointments Committee.

Bill Norman
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