

# 10 Questions to ask if you're scrutinising services for looked-after children



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## Acknowledgements

This is a refreshed version of a publication produced in 2012 by the Centre for Public Scrutiny, the Local Government Association and the National Children's Bureau. It has been updated by Paul Cutler, Independent Consultant and Su Turner, Head of Programmes, Children and Young People at the Centre for Public Scrutiny. The 2012 publication was written by Jessica Crowe formerly of CfPS and was drawn together from information provided by a national steering group.

## The Centre for Public Scrutiny

The Centre for Public Scrutiny (CfPS), an independent charity, is the leading national organisation for ideas, thinking and the application and development of policy and practice to promote transparent, inclusive and accountable public services. We support individuals, organisations and communities to put our principles into practice in the design, delivery and monitoring of public services in ways that build knowledge, skills and trust so that effective solutions are identified together by decision-makers, practitioners and service users.

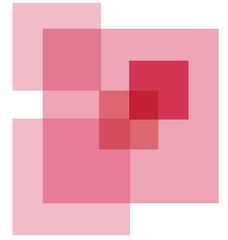
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## Local Government Association

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation, which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

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This is a refreshed version of a publication produced in 2012 by the Centre for Public Scrutiny, the Local Government Association and the National Children's Bureau. Its purpose is to assist elected members of Overview and Scrutiny Committees (OSCs) and the officers who support them to design and implement scrutiny reviews on a range of topics relating to looked-after children.

Since 2012 there have been a number of significant changes to the legislation and policy context for looked-after children. These include the introduction of the Children and Families Act 2014, the Care Act 2014 and the Health and Social Care Act 2012. A whole range of new guidance and regulations have subsequently been issued by the Department for Education relating to all aspects of looked-after children including foster care, adoption, children's homes, education, health, assessments and planning.

Whilst many of the underlying principles of good practice remain the same, there has been a renewed impetus to improve and develop the system. This has included:

- A new drive to speed up the adoption process for children by establishing clear time frames and 'fostering for adoption' regulations.
- The 'staying put' framework to enable care leavers to remain living with their foster families till the age of 21 to support them in education and training.
- New quality standards for children's services in general and for the health and wellbeing of looked-after children in particular.
- A focus on narrowing the gap in educational attainment for looked-after children by introducing the Virtual School Head (VSH) role and implementing the use of Personal Education Plans (PEPs).
- New regulations for children's homes with a focus on quality, management and leadership.
- A new national level multi-departmental Care Leavers Strategy.

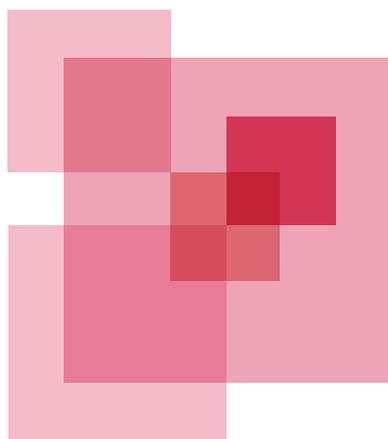
The scrutiny of local authority activities to support looked-after children covers many different areas and responsibilities. Services are directly provided through social care and social work, foster care, adoption services and children's residential care including secure settings. It also covers commissioning processes, education, health, housing, community, environments, leisure, youth offending, employment and training. A wide range of partner agencies and providers also have key responsibilities and roles.

The guide outlines the foundations of good scrutiny practice, which include:

- A clear understanding of the legislative and policy framework.
- Knowledge of the local arrangements for looked-after children.
- An appreciation of the significance and practical implications of the 'corporate parenting' role taken on by all councilors.
- A commitment to working in a child-centred way to understand the views and experiences of children and young people in care.

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- A recognition of the diversity and differing needs of children and young people in terms of their family backgrounds, age, development, gender, disability, cultural and religious needs etc.
  - Focusing on children looked-after in the local authority area and those who for various reasons are placed in services delivered by other authorities.
  - Understanding and involving local partners and other agencies who have a stake in the arrangements for looked-after children.
  - Creating clear scrutiny recommendations and monitoring the impact on both the system and the lives of children.

The guide describes the context for looked-after children services through a summary of key points and a glossary of key terms. It then identifies 10 potential areas of inquiry for a scrutiny review. It offers both a short policy briefing and a list of potential questions to inform the review. OSCs may wish to use the Centre for Public Scrutiny's 2012 return on investment model described in *Tipping the Scales* to measure the impact of any review.



# Key terms for effective scrutiny

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## **Looked-after children and children in care**

The terms looked-after children or children in care refer to all children under the age of 18 being looked-after by a local authority. It includes both those subject to a care order under section 31 of the Children Act 1989, and those looked-after by a voluntary agreement with their parents under section 20 of that Act. Once they become looked-after, children may be placed by the local authority with family members, foster carers or in a residential children's home. The purpose of the care system is to look after children where parents are unable to do so for a variety of reasons. These include situations where parents are abusive or cannot provide adequate care, or where there is no parent or relative available, such as unaccompanied asylum seeking children or those whose parents have died. Some young people may be placed in secure training centres or young offenders institutions.

## **Care leavers**

The legal definition of care leavers under the Children (Leaving Care) Act 2000 are those who have been in care for at least 13 weeks from the age of 14 onwards and therefore qualify for services to support them once they leave. New legislation under the Children and Family Act 2014 introduces the 'staying put' framework to enable young people in education and training to remain with their foster family until they are 21. Organisations working to support care leavers from the community and voluntary sector sometimes take a wider view of who qualifies as a care leaver and offer additional support.

## **Care Order – Section 31 Children Act 1989**

Care Orders are made by the court if a 'threshold of significant harm' is reached and there is no likelihood of improvement in the standard of care provided for a child or young person. The local authority then shares parental responsibility with the parent(s) and can make the decisions that parents would normally make. A care order expires when the young person reaches 18 or when another order is made placing the child with an alternative family, such as an Adoption or Special Guardianship Order. It can also be discharged by the court before the age of 18 if it is considered that the child would no longer be at risk of harm if they returned home.

## **Children at risk of significant harm**

These are children where there are concerns that they are suffering or are likely to suffer significant harm through abuse or neglect. Children considered at risk have a Child Protection Plan, which should be reviewed regularly. A CfPS companion guide (Safeguarding Children- A practical guide for overview and scrutiny councillors) is available to assist OSCs with more detail in this area.

## **Children in need**

Children in need are a wider group of children and young people who have been assessed to need the help of services to achieve a reasonable standard of health or development. They have a 'child in need' plan to address the difficulties identified in an assessment. Early help can support a child and their family at an earlier point and may reduce the risks of children entering the care system.

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### **Interim Care Order – Section 38 Children Act 1989**

If the local authority is concerned that a child is suffering or is likely to suffer significant harm, they can apply to the court for an Interim Care Order. This is a time-limited order renewed while care proceedings for the child continue through the courts. The child may be looked-after by foster carers during this period.

### **Emergency Protection Order section 44 Children Act 1989**

An Emergency Protection Order removes a child into accommodation provided by or on behalf of the local authority and is granted by the court (or magistrate outside court hours) if there is reasonable cause to believe that the child is likely to suffer significant immediate harm. It is to be used only where the child is thought to be at immediate risk and for a maximum of 8 days, although this can be extended by the court for a further 7 days. It allows the child to be cared for in a safe place while further enquiries are made.

### **The pledge**

Each local authority is required to develop a pledge, setting out its commitments to the children in its care. Every child and young person's care plan should reflect how the commitments made in the pledge will be delivered for that individual child.

### **Regulation 33 visits**

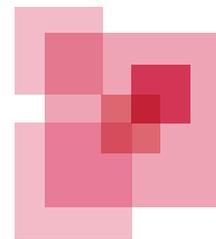
These are independent monitoring visits that have to be made at least once a month to local authority children's homes under the updated 2014 Children's Home Regulations. The purpose of the visits is to quality-assure the service being provided. This includes checking that the home is compliant with regulations, that the environment is suitable, and also includes seeking the views of children and staff. Where an authority operates its own children's homes, councillors may be involved in this process.

### **Children in Care Councils (CICC)**

Children in Care Councils are established in each local authority to represent the views of looked-after children and to enable them to be involved in monitoring and commissioning services. They are an important opportunity for looked-after children to meet together as a group. They are able to share experiences and speak out with a group voice about their care and aspirations. Children in Care Councils have a role in monitoring the implementation of 'the pledge' and there should be mechanism for participation in recruitment of key staff and senior leaders.

### **The Sufficiency Duty**

This is a duty placed on local authorities under section 22 (G) of the Children Act 1989 (amended by the 2008 Act) to ensure there is sufficient accommodation to meet the needs of their looked-after children. Sufficient accommodation must be provided 'where reasonably practical' (lack of resources is not considered a barrier), and having 'regard to the benefit of having a number of providers and a range of accommodation'.



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### **Commissioning**

A cyclical process that includes the assessment of need of local children, the development of a commissioning plan to meet those needs, the procurement of services and then the monitoring and reviewing of those services. The commissioning process is a joint process and is shared with local partners from key agencies including health partners in the Clinical Commissioning Group (CCG). The Joint Strategic Needs Assessment provides the basis of understanding the needs of local children and how they may change. Services for looked-after children are commissioned from a range of providers.

### **Independent Reviewing Officers (IROs)**

The Children and Young Persons Act 2008 requires local authorities to appoint an IRO for each looked-after child. Their role is to oversee the child's care plan, monitor the case and challenge the local authority if the plan is not meeting the child's needs or is not being implemented effectively. The IRO must communicate directly with each child they are responsible for to establish the child's wishes and feelings and ensure that these are taken into account.

### **Virtual School Head (VSH)**

The role of the VSH is to promote the educational achievements of looked-after children and oversee their access to services and progress within the system. The VSH is an important role as often looked-after children are distributed across a variety of schools in the local area. The VSH brings a coordinated and specialist approach to the needs of this group.

### **The Children's Commissioner for England**

The role of the Children's Commissioner is to protect the rights of children. Under the Children and Families Act 2014 the Children's Commissioner has a specific duty to focus on children in care and those living away from home. The Office of the Children's Commissioner offers a range of resources and advice for children and adults to ensure that rights are protected and children are listened to.

# Context and background

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Children in the care of a local authority are one of the most vulnerable groups in society. The majority of children in care are there because they have suffered abuse or neglect. At any one time around 68,000 children are looked-after in England, with over 90,000 passing through the care system each year. There has been an overall increase in the numbers of children entering care since 2007 and a rise in the proportion who are removed through the intervention of the courts as opposed to coming into care by agreement with parents.

Children and young people enter the care system for a variety of reasons and at different points in their lives. These include:

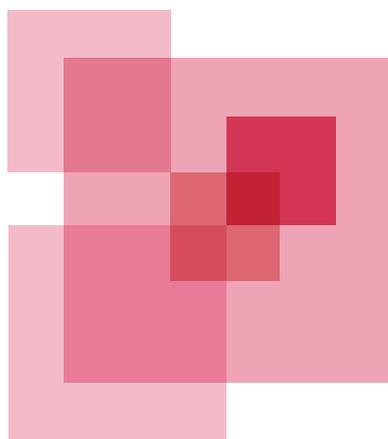
- Family breakdown.
- Abuse and neglect.
- Emergency placements.
- Young people on remand or at risk of offending.
- Short breaks for disabled children or those with health needs.
- Unaccompanied children and asylum seekers.
- Parent and child placements for young parents.
- Planned breaks for carers.

Different services will respond to these different needs. Scrutiny reviews may choose to focus on the overall system or concentrate on one particular aspect. Reviews will need to recognise the diversity and differing needs of children that receive support.

When they are elected, all councillors take on the role of ‘corporate parent’ to children looked-after by their local authority. They have a duty to take an interest in the wellbeing and development of those children, as if they were their own. Although the Lead Member for Children’s Services (LMCS) has particular responsibilities, the role of corporate parent is carried by all councillors, regardless of their role on the council.

Overview and scrutiny offers a key way in which councillors can fulfill this responsibility. It presents the opportunity to ask searching questions of a range of service providers and assure themselves that systems are in place to ensure children in care are being well looked-after.

Overview and scrutiny also offers opportunities for councillors to hear directly from children looked-after by the authority and to ensure that their voices are heard when considering the effectiveness and impact of services. This should include not just children’s social care services, but wider areas which may have an impact on the lives of children in care (including care leavers and those on the edge of care). For example, housing provision, crime and feeling safe in the community, access to public transport and the quality of schools and leisure activities. Putting in place a proper plan for good quality engagement and participation can help to ensure that children can be involved in a meaningful and sensitive way. Officers and councillors will benefit from the advice and expertise of specialist participation officers and youth workers when developing their engagement approach.



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Since 2011, the core statutory regulations for looked-after children have been updated with a series of additional guidance and legislation to promote better outcomes for children. It includes new guidance on education, health, care planning and reviews. At the same time, new standards have been issued to measure the quality and effectiveness of these services.

# 1 - How well does your local authority provide and commission services for looked-after children?

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## Policy context

Services for looked-after children are provided through a mix of in-house local authority provision and commissioned services from providers in the private and voluntary sector. Each local authority will have a mix of providers. National data demonstrates that over 70% of services (foster care and children's homes) are offered by independent providers. The commissioning process is an important mechanism for meeting the needs of local children, and OSCs will want to ensure that all parts of the commissioning cycle are working well in the authority.

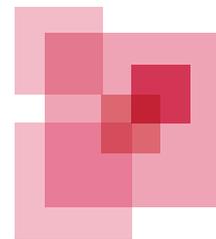
As corporate parents, members need access to information to enable them to identify how well the local authority is doing in relation to outcomes for looked-after children and any areas for improvement. National performance data will enable members to assess how well the authority is doing in comparison with others. It is also useful for analysing trends within the authority. External inspections by Ofsted offer additional sources of measurement to support the scrutiny process. They can provide an independent perspective on the quality of local services. It is important to recognise that any inspection or evaluation is a record of a particular snapshot in time. Councillors will want to see how any recommendations, feedback and advice have been implemented.

Under the Children and Families Act 2014 courts have a 26-week time limit to decide if a child should be taken into care. Local authorities will need to be able to respond to the timescales of this process by having high quality placements available.

The Joint Strategic Needs Assessment (JSNA) and the Health and Wellbeing Strategy will identify current and future needs of children and young people including those in care and those likely to need these services in the future.

The Department for Education has published a series of national minimum standards for the welfare of children with sections covering fostering, adoptions, residential special schools and residential family centres. This collection of documents also underpins Ofsted inspections of services for looked-after children. The standards will also assist the self-assessment, training and development of good quality local providers.

The circumstances and needs of looked-after children vary widely with some children just spending a short period in care during a family crisis while others effectively growing up in care. The label 'looked-after children' describes a diverse group with significant differences in age, gender, health, disability and cultural needs. The commissioning of services should reflect these different needs and ensure that there are a variety of ways to support children. For example, some children may have complex and specialist medical needs whereas others may need to be placed out of area to protect them from abuse or gang affiliations. Each child must have a care plan that sets out the long-term plan for the child and the action that needs to be taken to provide them with good-quality care.



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### Questions to ask

Who are your looked-after children in terms of age, gender, ethnicity, religious or cultural background and disability? What needs and challenges does this profile present?

- How does the local authority's commissioning plan reflect these needs?
- Do you have a system for seeking feedback from looked-after children and care leavers about the services they receive?
- Does the OSC receive a copy of the annual report from the Independent Reviewing Officer's (IRO) service, and is it used to identify gaps in commissioned services?

Services must meet the identified needs of the children while offering value for money. Members need to ensure that arrangements for commissioning services are effective:

- Do arrangements for commissioning services involve all relevant council departments and multiagency partners?
- Does your local JSNA include information on the needs of your looked-after children and care leavers?
- Do you have a mechanism for reviewing the effectiveness of the services you commission based on outcomes?

Cost comparisons can be one useful indicator of the efficiency and effectiveness of local services and how they compare with others:

- What is the cost of your residential provision in comparison to other areas?
- How much do you spend on out of area placements for looked-after children? What are the factors behind this spend and how do commissioning processes ensure that complex needs can be met in the best interests of children?

## 2 - How well do children in care do at school, both academically and in terms of other achievements?

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### Policy context

There is strong evidence that looked-after children experience poorer educational outcomes and a gap in attainment compared to their peers.

The factors that contribute to this outcome include:

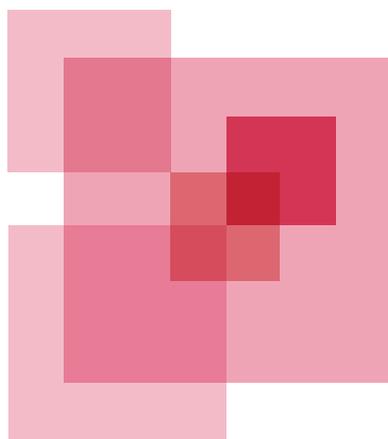
- Spending too much time out of school.
- Lack of sufficient support with education if the child falls behind in their learning.
- The disproportionate representation of looked-after children in schools that are performing poorly.
- Primary carers are not expected or equipped to provide educational support for learning.
- Placement instability.
- The child may have unmet emotional, mental and physical health needs which impact on their learning.

New statutory guidance published in 2014 describes the framework for promoting the education of looked-after children and tackling these barriers. Key elements include:

- The Children and Families Act 2014 requires each local authority to appoint a Virtual School Head (VSH) to ensure the educational needs of looked-after children are fully met. The role of the VSH is to promote the educational achievements of looked-after children.
- The VSH and other partners including social workers, IROs and special educational needs services must coordinate education provision at the same time as arrangements are made for a care placement to ensure that the child does not miss any schooling in the transition.
- All children will have a Personal Education Plan (PEP) which will cover areas including access to schools and nurseries, catch-up support, out of school learning activities and transition support between schools.

The Pupil Premium provides extra funds for schools to enable them to support a range of children who experience disadvantage and where there are gaps in attainment with their peers. Looked-after and adopted children are included in this programme. The school or nursery can choose to spend the premium in a variety of ways. Where school programmes aggregate the Pupil Premium monies to provide additional services in the school, it will be important to scrutinise how these services directly impact looked-after children. The 2011 Department for Education report on raising aspirations and educational outcomes for looked-after children identified the benefits of additional tuition and one-to-one support for looked-after children.

Corporate parents must champion the education of looked-after children. They must have high aspirations for the children they care for and carefully monitor outcomes. Ensuring looked-after children have the right support to be able to participate fully in all aspects of school life is very important. Key areas include after-school activities, leisure and social activities. Participation work listening to looked-after children highlights that they value education and want the support to do well.



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### Questions to ask

- How do the results of looked-after children compare with the wider cohort of children in your local schools?
- How do the educational results for looked after children compare to those in other authorities?
- How well are children placed outside your local authority area doing in school?
- What plans does the local authority have to raise the educational attainment of looked-after children?
- How effective is the Virtual School Head service and what impact has it had?
- How do school admission policies treat looked-after children? Are they able to attend the same school as other children in their foster family?
- Do looked-after children have access to the best performing schools in the local authority?
- Do all looked-after children have a Personal Education Plan? Have these plans been reviewed and audited for their quality, comprehensiveness and effectiveness?
- What do looked-after children themselves say about their education and aspirations?
- How are young people supported to continue into further and higher education?

Celebrating the non-academic achievements of children in care and enabling them to benefit from all the opportunity school can offer is also important. Children in care should be cared about and not just cared for.

- Are looked-after children able to participate in after-school activities and enjoy learning and achievement in all its forms? If not, what are the barriers?
- Does your council have a way to celebrate the achievements (whether sporting, academic, musical, attendance or personal bests) of looked-after children and are councillors given regular updates?
- Do you monitor the numbers of looked-after children that are excluded from school and do you know what support and alternative provision is available for them?

## 3 - How good is the health and wellbeing of children in your care?

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### Policy context

Looked-after children and young people share many of the same health risks and problems as their peers, but they frequently enter care with poorer health due to the impact of poverty, abuse and neglect. Evidence suggests that looked-after children are more likely to have mental health problems. There are also significant numbers of disabled children who are looked-after and research indicates that they are more likely to stay in the care system longer than other groups.

The health needs of each looked-after child must be assessed within four weeks of a child becoming looked-after and should form the basis of their health plan. A multi-agency group should review this plan on a regular basis. The health assessment should also cover any emotional or behavioural needs that the child has. The 2015 Department of Health report *Future in Mind* highlights the vulnerability of looked-after children to mental health problems and the importance of access to Child and Adolescent Mental Health Services (CAMHS).

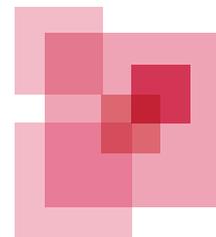
New statutory guidance on the health and wellbeing of looked-after children has been issued in 2015. Key elements of the new guidance include:

- Articulating the specific and shared responsibilities for the health of looked-after children for the local authority, the CCG and NHS England.
- Ensuring the prominence of health needs in the wider care planning framework.
- New guidance on implementation of health assessments, plans and reviews.

The National Institute for Health and Care Excellence (NICE) has developed a specific quality standard to promote the health and wellbeing of looked-after children (QS31), which includes 8 statements of quality. These are:

1. Warm and nurturing care.
2. Collaborative working between services and professionals.
3. Stability and quality of placements.
4. Support to explore and make sense of identity and relationships.
5. Support from specialist and dedicated services.
6. Continuity of services for placements outside the local authority or health boundary.
7. Support to fulfil potential.
8. Support to move to independence.

The Clinical Commissioning Group (CCG) will commission local health services for looked-after children. The JSNA and the Health and Wellbeing Strategy are important documents for identifying the health needs and trends on which the commissioning plans are based. Scrutiny reviews will want to be assured that the local Health and Wellbeing Board has a strong focus on children's health needs in general and looked-after children in particular. OSCs may wish to seek the advice of the Director of Public Health in formulating effective scrutiny questions in this area.



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### Questions to ask

- What proportion of children's health assessments and dental checks are carried out on time?
- Is there a designated doctor and nurse for looked-after children?
- Who is the senior lead and champion for looked-after children in the CCG?
- Are looked-after children a priority group for getting access to therapeutic and psychological services including Child and Adolescent Mental Health Services (CAMHS) and how long are waiting times for referrals?
- What does the JSNA and Health and Wellbeing strategy say about the health needs of looked-after children?
- As an at-risk group, what access do looked-after children and young people get to services to help with substance misuse, sexual health and teenage pregnancy?
- What support is given to foster carers and young people themselves about promoting healthy lifestyles?
- Do you receive regular reports on the health needs and outcomes of looked-after children?
- What do looked-after children and young people themselves say about their health needs and priorities and how well they are met?
- Is this evidence about outcomes and experiences used to inform the commissioning of services?
- Do local Healthwatch provide support to champion the voice of looked-after children and care leavers as part of its wider work across local health services?
- Are the health needs of looked-after children discussed at your local Health and Wellbeing Board?

## 4 - How stable and secure are the lives of your looked-after children while they are in your care?

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### Policy context

When children and young people enter care and are placed either with foster carers, in residential homes or even at boarding school, they risk losing regular contact not only with family members but also with friends and other significant people in their lives.

This is exacerbated if the placement is out of the area to. If a placement breaks down, they may have to move again, causing yet more anxiety and disruption. Yet children themselves say that stable and supportive relationships are crucial if they are to thrive in care.

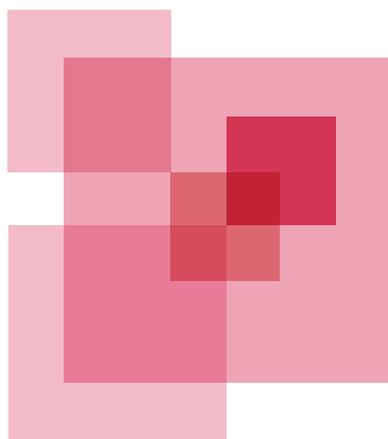
Ensuring placements are stable and work well for children and young people is therefore key to their wellbeing. The sufficiency duty requires local authorities to take steps to secure sufficient accommodation within the authority's area, which meets the needs of its looked-after children. They must demonstrate how they are fulfilling this responsibility. To do this, there must be a good understanding of who the children are and what they need.

Every council has to collect data on how far placements are from the child's home and the number of placements that children experience. The quality of the care offered must also be taken into account. It is not good enough to place a child in a stable placement within the local authority boundary, if the child is unhappy there.

There are important links with safeguarding: children who come into care should do so at a point where their life experiences have not been so damaging that they cannot settle and create stable relationships. It is essential that looked-after children have access to intensive specialist support if they have suffered abuse or neglect.

### Questions to ask

- How stable are placements?
- How many children move placements three or more times during a year?
- How many are able to remain in the same placement for two or more years?
- What do you know about the children who experienced changes of placement?
- What are the needs of children that require them to be placed out of the area of the local authority?
- If additional services were provided either by the local authority or by partner agencies, could they be looked-after within the area of the local authority?
- How are you fulfilling your 'sufficiency duty'?
- What choice and information do children and young people have about their placements, for example do they get to meet potential foster carers or visit children's homes before they go to live there?
- If children have to move placement, what arrangements are made to keep them at the same school? For example by making additional transport arrangements?
- Are you satisfied that children are supported to maintain relationships with people that are significant to them?
- How are contact arrangements managed with siblings, wider family members and friends?
- What do looked-after children say about their placements?



## 5 - How well does your authority do at finding appropriate adoptive families for children for whom it is decided this is the right option?

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### Policy context

If the circumstances of a child or young person's birth family has completely broken down or it has been decided that they will be unable to care for the child safely, the best option for a long-term stable family environment may be adoption. The law governing adoption is in the Adoption and Children Act 2002, which aligned adoption practice with the 1989 Children Act, making the welfare of the child the paramount consideration. The key initiative of current policy is to reduce delay wherever possible to enable a child to be adopted successfully. The Children and Families Act 2014 introduces the concept of 'fostering for adoption', which enables adopters (who have already been approved) to foster a child prior to court approval for the adoption itself.

Adoption Scorecards track the performance and outcomes of local adoption processes and provide a comparison with other local authorities. The Adoption Leadership Board provides high-level data on performance trends and patterns.

It is important to ensure that local support is available to make the adoption process a success. For example, the Adoption Support Fund provides therapeutic services for adopted children who have experienced abuse and neglect.

It is worth remembering that there are other ways of securing a permanent home for children within the care system. For some, family and friends may be able to care for them if the right support is available. For others, particularly older children, adoption may be unsuitable but foster carers can make a commitment to offer the child a permanent home. These alternative routes to permanency can be secured legally through arrangements such as residence orders or special guardianship. Local arrangements must be in place to enable children to get the best outcomes for their needs, wishes and feelings.

### Questions to ask

- What percentage of children have a permanence plan by their second review?
- What percentage of children are placed for adoption within national timescales of the decision to adopt and are subsequently adopted?
- How long does it take to make the decision to place a child for adoption, particularly for new-born babies?
- What is the profile of your children in care compared with the prospective adoptive families, and if there is an imbalance, what steps are being taken to address this?
- How are sibling groups treated and what steps are taken to ensure the needs and best interests of individual children are taken into account when making placement plans?
- What is the profile of children waiting for a permanent placement, and what are the barriers to finding them a home?
- How long does it take to respond to prospective adopters and what are their views on how they have been treated?
- What do children and young people, for example in your local Children in Care Council, say about the adoption process?

## 6 - How well do your foster care arrangements work?

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### Policy context

Nationally, about two thirds of children in care are placed with foster carers as opposed to children's homes or other placements. Fostering is often seen as a positive option because it enables children and young people to live in a family environment.

Foster families can play a valuable role in stabilising and caring for children for both short and longer periods of time, but nationally there is a shortage of people willing to take on the role. Since the 1990s, independent or private fostering agencies have developed and there is now a mixed economy of providers. The way in which foster carers are supported is very important. Issues such as the fees they receive and their access to information may all play a role in making them feel valued. This ensures that they in turn can value and support the children they look after in the most effective way. The extent to which they hold delegated responsibility for day-to-day decisions on matters such as sleepovers or school trips can make a difference to their role satisfaction and the child's sense of belonging, and this should be encouraged wherever possible. Having a good relationship with both the child and the child's social worker is a crucial part of this process.

There are many different types of fostering. Foster carers are likely to specialise in the type of care they offer and the children they care for. This includes:

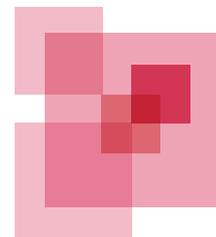
- Long-term fostering.
- Emergency fostering.
- Short-term placements.
- Short breaks for disabled children.
- Remand fostering.

The 2013 amendments to the Children Act 1989 updated the process of assessing and approving foster carers and introduced new guidance and regulations.

The Foster Carers' Charter sets out the expected commitments that foster carers and local authorities will make. It is designed to be used locally to develop a shared understanding and to encourage openness and constructive challenge.

Key ways to promote an effective local fostering service include:

- Good communication between the local authority, foster carers and their organisations.
- Regular support and advice.
- Access to training and development opportunities.
- Regular visits from social workers to check on the progress and stability of the placement.
- Early help to address issues the foster family may face in providing a stable environment such as behaviour, emotional health and practical issues.



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Some 'family and friends' foster carers are approved only for a specific child, where they have an existing relationship and a local authority has decided that it is in the child's best interests to stay with them.

Private foster placements are those where the child's parents have made the arrangements directly with the foster family. The local authority should be informed in these situations, so that they can check the suitability of the arrangement and monitor the care being provided.

### Questions to ask

- Do you have a sufficient pool of suitable foster carers locally to meet the needs of children requiring placements? If not, what steps are being taken to address this?
- What support is given to foster carers, including family and friends carers, and how easily can they access it, both for themselves and for the child in their care?
- What do foster carers themselves say about the support they receive, including out of hours support and about their relationships with social workers and other professionals?
- Are there clear arrangements for delegating responsibility to foster carers for day-to-day decisions about the child?
- Is there more 'in-kind' support that would facilitate and make the fostering role easier, such as bus passes, access to leisure centres and other local services?
- What do your looked-after children and young people themselves say about their experiences of fostering?
- What is the turnover rate of foster carers and do you understand the reasons why carers leave the service?

## 7 - How good is the standard of residential care provided or used by your authority?

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### Policy context

For some children, placement in a children's home may be more suitable than a foster home. For example, they may find it difficult to cope with family-based life as a result of their experiences, or because of a strong sense of loyalty to their birth family.

There are currently over 6,000 children living in just over 2,000 children's homes across England. Three quarters of residential homes are run by the private and voluntary sector with the remaining ones continuing to be directly managed by local authorities.

The Department for Education introduced new guidance in 2014 on children's homes following the Children and Families Act 2014. This updates the regulations and outlines a set of quality standards for provision. These standards cover 9 areas including quality of care, education, health, planning, organisational leadership and management. Further regulations are due to be issued in 2015.

This guidance notes that:

“ *Those accommodated in children's homes are arguably the most vulnerable. They tend to be older with an average age of 15, they are six times as likely to have mental health problems compared to other looked-after children, and three quarters are reported to have been violent or aggressive in the past six months.* ”

**Given this level of vulnerability, it is important that OSCs consider the safeguarding needs of young people living in residential care. Further guidance and support for scrutiny with particular focus on this area is available from the Local Government Association and the Centre for Public Scrutiny.**

*Safeguarding Children- A practical guide for overview and scrutiny councillors.*

Councillors have the opportunity to take part in Regulation 33 visits and other arranged visits to children's homes. This can really bring to life what it is like to live in residential care and help councillors appreciate the experiences of young people. It will also enable members to meet and listen to staff that work in these settings. OSCs will need to carefully consider the structure of these visits and ensure that they are carried out in a sensitive way that respects the rights to privacy and confidentiality of the young people living there.

### Questions to ask

- What is the profile of the children placed in residential care by your authority?
- Who provides the residential placements used by your authority and what is their Ofsted rating?
- What are the outcomes of children in residential care compared to the rest of your looked-after children?
- Do you have any children placed in secure care?

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- How is the experience of children placed in residential care outside the authority managed and monitored?
  - How does your use of residential care compared to other similar authorities?
  - If your authority operates its own children's homes, what are the arrangements for undertaking Regulation 33 visits and how effective are these?
  - What do looked-after children and young people themselves to say about their experience of living in residential care?
  - How are any complaints about standards of care in residential homes and issues such as bullying dealt with? How many are there and what happens as a result?

## 8 - What support does your authority provide to young people leaving care and how effective is it?

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### Policy context

Over 10,000 young people leave care every year. For many this can be a daunting prospect as they are expected to be independent at an earlier age than their peers, in spite of the additional difficulties that many face. Care leavers are over-represented in prison populations and are more likely to be unemployed, demonstrating that the experience of being in care still does not properly prepare young people for adult life. If looked-after children follow the same paths as other children into further education, training and jobs, studies estimate it could save the economy over £50 million each year.

The Children and Family Act 2014 introduces the new 'staying put' framework to give young people the choice to stay living with their foster carers until their 21<sup>st</sup> birthday. This is particularly valuable to provide stability during the transition to adulthood and enable young people to remain in care as they complete further education and training. There is also the provision to ensure that 18 year olds can stay in placements until the end of the academic year of this birthday. This is important to avoid any disruptions to exams and their studies.

The local authority continues to have responsibilities towards young people even after they have left care at least up to the age of 21 and even longer until 24 if they are in education and training. This new regulation is particularly significant for care leavers who decide at a later point that they wish to return to education after leaving care.

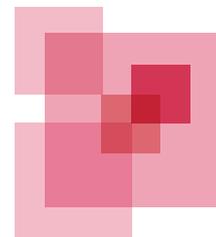
The Children (Leaving Care) Act 2000 sets out local authorities responsibility is to complete an assessment and develop a pathway plan within three months of every looked-after child's 16<sup>th</sup> birthday to help them towards independence, with the support of a personal adviser. They also have access to a bursary of £1,200 if staying in education. At this time support should also be available for care leavers who wish to access their care records.

The Care Leavers Charter describes all the commitments to young people when leaving care and also maps the process from the age of 16 onwards.

The 2013 cross-departmental Care Leavers Strategy covers a full range of services including education, employment, housing, financial support, health and housing. It seeks to ensure that all government and local agencies are aligned and cooperate to support care leavers.

At the same time that young people leave care they will transition to adult services. This is a particularly significant time for disabled young people and those that use health and social care services for long-term conditions and mental health needs. The Care Act 2014 outlines support for this process and requires the local authority to make a further assessment of need. This assessment is equally relevant to those young people who do not currently receive services but where it is likely they may do so in the future.

Ofsted has developed a collection of tools and case studies of good practice for care leavers based on its inspection work. OSCs will find it useful to consider ways that councils have successfully managed the transition process.



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### Questions to ask

- How many care leavers is your local authority still in touch with a year after they have left the care of the authority? How many are they in touch with after three years?
- What do you know about the outcomes of children who were formerly in your authority's care?
- How many formerly looked-after young people are not in any form education, employment or training (NEETs)?
- What support do young people leaving care receive to access housing, tenancies, employment, benefits, further and higher education and training?
- How successful has your local authority been in implementing the 'staying put' framework? What evidence is there that young people are aware of this and how many have chosen this option?
- What do formerly looked-after children and young people themselves say about the experience of leaving care and the support that was provided?
- What assessments and support is there for disabled young people to make successful transition to adult services?
- What information is available for young people as they leave care? Is it accessible and of good quality? Does it describe young people's rights in a clear way?

## 9 - How effective is your professional workforce of social workers and others responsible for running services for looked-after children?

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### Policy context

It is essential that each child has a personalised care plan based on a thorough assessment of their needs, and this is the responsibility of the allocated social worker. Many authorities have struggled to recruit and retain sufficient numbers of suitably qualified social workers to do the difficult job of working with vulnerable children. This can be a key cause of poor performance that will also have an adverse effect on the experiences of the children and their carers. Children find it distressing to have frequent change of worker and can feel uncared for as a result.

The IRO service is important both in terms of its ability to challenge individual instances of poor practice and to have an overview of the effectiveness of care planning across the authority. In some cases, the IRO may be the most constant figure in a child's life.

Recent research by the National Children's Bureau highlights key features of an effective IRO service. This includes:

- Ensuring that reviews and other activities are child-centred.
- Promoting the voice and experiences of the child.
- Providing independent challenge to local services and care planning systems.
- Creating effective relationships with frontline practitioners and strategic managers.
- Contributing to local policy and development.

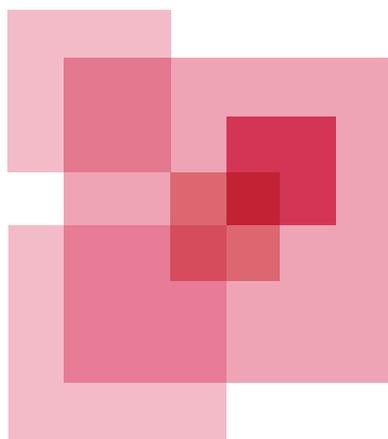
The research also noted that although the role of the IRO is to be independent of other looked-after children services, most were employed by the local authority. OSCs will want to be assured that IROs in their local authority have the ability to retain an independence from day-to-day agendas.

While senior officers are responsible for managing staff and services, councillors can play an important role in checking that there is a skilled and stable workforce in place. Although social workers are key, other council officers should also be aware of their responsibilities to looked-after children, such as those in housing departments, environment and leisure services, education, legal services and public health.

### Questions to ask

What is the profile of the social work workforce in the authority? What data is available regarding:

- Social work vacancies?
- Turnover of staff?
- Stress-related and other sickness rates?
- Deployment of agency and temporary staff?
- Ratios between newly qualified and experienced social workers?



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- What is the strategy and management plan to address any concerns about the workforce?
  - What continuity of social worker support is there for looked-after children?
  - What are the caseload levels carried by social work staff?
  - What proportion of social workers time is spent doing face-to-face work with looked-after children as opposed to paperwork and could this be improved?
  - What does the annual IRO report say about the effectiveness of care planning in the authority? What action has been taken to address any weaknesses that it identifies?
  - Are there enough opportunities for social workers to develop their skills and to engage in training and reflective practice?
  - Is there evidence that staff from across the authority and other partners are working together to deliver what looked-after children need?
  - What do looked-after children and their carers say about experience of engaging with social workers and other professionals?
  - Are looked-after children and young people involved in recruitment and development of services?
  - How is the CICC involved in the recruitment of staff and the development of services?
  - How effective is the support and management of the IRO service?

# 10 - What more could be done to fulfil the council's responsibilities as a 'corporate parent'?

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## Policy context

Although elected members will not all have the same level of direct involvement with services for looked-after children, they all share responsibility as the corporate parent for satisfying themselves about the quality and effectiveness of the system.

In 2013 the Department for Education issued updated guidance on the roles and responsibilities of the Director of Children's Services (DCS) and the Lead Member for Children's Services (LMCS) in relation to the general responsibility for corporate parenting:

*“ a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked-after children, with key roles in improving their educational attainment, providing stable and high quality placements and proper planning for when they leave care. ”*

Commitment from the LMCS to the scrutiny review process will be important in raising the profile of any review and ensuring the active participation of officers and partners.

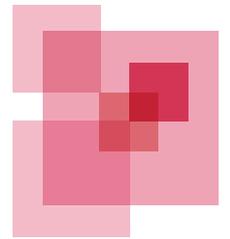
Each local authority will publish a corporate parenting strategy and it will be reviewed on a regular basis. OSCs will want to understand how the strategy has been developed and implemented. They will also want to be assured that all members and officers in the authority are aware of the strategy and their duties to looked-after children.

The local Children in Care Council (CICC) will provide a valuable mechanism for enabling looked-after children to have a voice in the decisions and priorities of the local authority. This will enable them to provide feedback to their corporate parent. OSCs will find it valuable to meet and work with this body.

At an individual level, OSCs will want to be sure that looked-after children have access to independent support and advocacy and are aware of their rights to make a complaint about any aspect of the service they receive. They will want to see evidence of the effectiveness of local commissioning arrangement for wider advocacy and complaint services.

## Questions to ask

- Does your council have an effective structure for the governance of corporate parenting, involving councillors and officers?
- Do looked-after children have information about the role of corporate parents?
- What do looked-after children say about what they expect from local councillors and others acting as their corporate parents?
- Do all members receive mandatory training on their roles and responsibilities as corporate parents when they are elected and is this refreshed during the term of office?



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- Are there appropriate opportunities for elected members to meet and listen to looked-after children and young people, and to celebrate and praise their achievements when they do well?
  - Is there an active CICC, which regularly meets with elected members and others in the authority (including both council representatives and those from partner organisations) to express the views and needs of looked-after children?
  - How well is the CICC resourced and supported? What impact does it have?
  - How are children and young people's complaints responded to and what is learned from them?
  - What are the commissioning arrangements for advocacy services for looked-after children?

## Conclusions - Putting the child at the centre of a scrutiny review

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As this guide demonstrates, there are many different areas that impact on outcomes for looked-after children. But the one central theme across all of these is the importance of listening to children and placing them at the centre both of services and any review that seeks to scrutinise them.

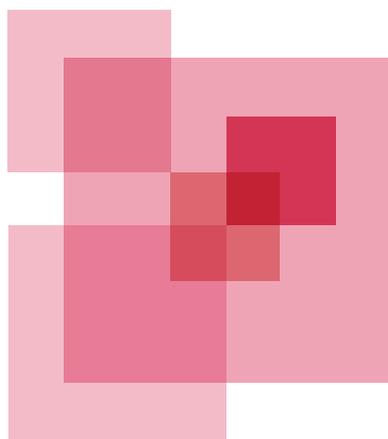
The principles of a child-centred approach are well established by law and principles of practice. The Children Act 1989, the United Nations Convention on the Rights of the Child and statutory guidance are all clear that the needs of the child are paramount and their wishes and feelings need to be taken into account for all decisions. However, numerous studies and reviews have identified that often the child is forgotten amongst all the other pressures and responsibilities of delivering frontline services.

A scrutiny review offers another mechanism for councillors to demonstrate their concern and interest for the children in their care. As part of the wider corporate parenting responsibilities, an effective review can highlight the experiences of looked-after children and champion their voice across the council as a whole. Looked-after children rapidly become experts in using services and have valuable insights into how the system works on a day-by-day basis.

As a non-executive part of the council, OSCs are uniquely placed to add value to corporate parenting by:

- Taking a holistic approach to the needs and interests of children and young people.
- Using a whole system approach to consider the impact of services both in terms of what is working well and any gaps and barriers.
- Bringing stakeholders and different agencies together from across a range of services for children in care in a joined-up way.
- Reviewing evidence across a range of local and national sources.
- Promoting the voice of children.
- Working in partnership with the CICC.
- Focusing on different groups of children and identifying any areas of disadvantage and marginalisation within the wider system.
- Introducing another layer of critical challenge.
- Holding the council to account.

It is important to carefully plan any review. OSCs will benefit from briefings and expert advice as they seek to focus their research and develop key lines of enquiry. They will also need to consider the best ways to sensitively engage with looked-after children so that the process is positive and beneficial to the individuals. This will also help councillors develop their confidence to tackle a complex area and champion scrutiny as an essential part of democratic accountability and corporate parenting.



# References and further information

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## Key legislation and guidance

Children and Families Act 2014

Care Act 2014

Health and Social Care Act 2012

The Children and Young Persons Act 2008

Children and Adoption Act 2006

Adoption and Children Act 2002

Children (Leaving Care) 2000

Children Act 1989

Department for Education 2105 (revision) The Children Act 1989 guidance and Regulations Volume 3: planning transition to adulthood for care leavers

Department for Education 2015 Draft Children's Homes Regulations

Department for Health 2015 Future in Mind: Promoting, protecting and improving our children and young people's mental health and wellbeing

Department of Health and Department for Education 2015 Promoting the health and welfare of looked-after children: Statutory guidance for local authorities, clinical commissioning groups and NHS England

Department for Education 2014 Outcomes for Children Looked After by Local Authorities

Department for Education 2014 Promoting the education of looked after children: Statutory guidance for local authorities

HM Government 2013 Care Leavers Strategy: A cross-departmental strategy for young people leaving care

Department for Education 2013 National Minimum Standards for the Welfare of Children

Department for Education 2013 Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations

Department for Education 2013 The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations

Department for Education 2013 Delegation of authority: amendments to the Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review

Department for Education 2013 Director / Lead Member for Children's Services: Roles and Responsibilities

NICE 2013 Quality standard for the health and wellbeing of looked-after children and young people: NICE Quality Standard QS31

Department for Education 2013 Promoting the health and wellbeing of looked-after children

Department for Health 2012 Report of the Children and Young People's Health Outcomes Forum

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Department for Education 2012 Care Leavers Charter

Department for Education 2011 Prospectus: delivering intensive interventions for looked-after children and those on the edge of care or custody and their families

Department for Education 2011 Raising the aspirations and educational outcomes of looked-after children: a data tool for local authorities

Department for Education 2010 Statutory Guidance on Securing Sufficient Accommodation for Looked-after Children

Department for Education 2006 Statutory guidance for local authority children's services on representations and complaints procedures

Department for Education 2004

Providing effective advocacy services for children and young people making a complaint under the Children Act 1989

### Resources and reports

The Children's Commissioner <http://www.childrenscommissioner.gov.uk/>

National Children's Bureau 2014 The Role of Independent Reviewing Officers in England – Research Summary 11

Banardo's 2014 The Costs of Not Caring: Supporting English Care Leavers into Independence

Local Government Association 2014 Early Help, Corporate Parenting and Adoption

Ofsted April 2013 Good practice resource - Empowering involvement and ensuring a voice for looked-after children and care leavers: Southwark's Speaker Box.

Easton, C., Dawson, A., Walker, F., Philips, L. and Stevens, E. 2012 A good practice overview of fostering and adoption activity (LGA Research Report). Slough: NFER

Easton, C., Dawson, A., Walker, F., Philips, L., Stevens, E. 2012 A good practice overview of fostering and adoption activity: case study reports (LGA Research Report). Slough: NFER.

NICE and SCIE 2010 Promoting the quality of life of looked-after children and young people. NICE public health guidance 28/SCIE guide 40

C4EO 2010 Improving educational outcomes for looked-after children and young people, and improving the emotional health of looked-after children and young people

The Children in Care Council Newsletter <https://www.gov.uk/government/publications/children-in-care-council-newsletter>

NCB Resources on Corporate Parenting and Children in Care Councils <http://www.ncb.org.uk/corporate-parenting>

Local Government Association Resources on Corporate Parenting [http://www.local.gov.uk/safeguarding-children/-/journal\\_content/56/10180/3613647/ARTICLE](http://www.local.gov.uk/safeguarding-children/-/journal_content/56/10180/3613647/ARTICLE)

Centre for Public Scrutiny 2012 Tipping the Scales: A Model to Measure the Return on Investment of Overview and Scrutiny

# Notes

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