
AUDIT OF SECTION 20 VOLUNTARY ACCOMMODATION ARRANGEMENTS

SUMMARY REPORT

Purpose of Report

1. The purpose of the report is to inform Scrutiny of the outcome of the recent audit of children's cases where the child/young person is looked after by the council under section 20 of the Children Act 1989.

Summary

2. Children's Services were inspected by Ofsted in June 2015 and one of the recommendations was that a thorough review of all cases of children subject to Section 20 accommodation should be completed to make sure that use of Section 20 by the Local Authority was legitimate and appropriate in all cases.
3. The audit looked at 64 children's cases and concluded that it was right for all the children to be looked after, although the auditors concluded that some should have been accommodated earlier; some by way of statutory action rather than voluntary arrangements and for some, formal Care proceedings should have been instigated. Whilst there were some good arrangements for helping children and young people keep in touch with birth family, the audit found that there had been delay in some children's cases in respect of the local authority making long term permanent plans for them.
4. Ten recommendations were made and action has been taken to respond to these individually. Some of the recommendations from the audit are already included in the children's services Improvement Plan 2015-2017, for example management oversight, improved timeliness in terms of statutory visits to children, professional supervision and training for practitioners to improve and enhance assessment and recording skills. Work is underway to also better understand and prevent children's placements breaking down.

Recommendation

5. It is recommended that members consider the outcome of the independent audit and note the actions that have been taken to respond to the recommendations made.

Suzanne Joyner
Director of Children and Adults Services

Background Papers

Darlington Children's Services Ofsted Inspection Report

Pixley Clarke
6462

S17 Crime and Disorder	None
Health and Well Being	Supporting children and young people who are Looked After to maintain their health and well-being.
Carbon Impact	None
Diversity	Voluntary accommodation under Section 20 arrangements is available to all ethnic minority groups and those with disabilities
Wards Affected	All wards
Groups Affected	Children Looked After
Budget and Policy Framework	None
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	Best start in life- relevant to the provision of family support services to protect children from harm, have their welfare safeguarded and promote help and support tailored to meet their needs
Efficiency	Best use of resources and improved practice

MAIN REPORT

Outcome of the Audit of Section 20 Voluntary Accommodation Arrangements for Looked After Children

Background to the Audit

6. Children's Services were inspected by Ofsted in June 2015 and one of the recommendations was that a thorough review of all cases of children subject to Section 20 accommodation should be completed to make sure that use of Section 20 by the Local Authority was legitimate and appropriate in all cases.
7. The reason for this recommendation followed a judgement made by the lead High Court Judge for the Family Division, Sir James Munby in February 2015. This concerned the use of Section 20 by Darlington Borough Council in respect of a specific case where he concluded that there was misuse of the Act and too much delay in bringing a case before the court.
8. Section 20 of the Children Act allows a child to be accommodated by the local authority, by a voluntary arrangement but it must be agreed to by the person(s) with parental responsibility and the child should be returned to the parent(s) immediately after parental consent is withdrawn. The local authority cannot refuse the parent's request unless there is serious cause for concern for the child's welfare and a court order has been obtained.
9. In recent years there has been an increase in the use of Section 20 and a greater focus on this issue through the publication of case law on local council's children's services department's use/misuse of Section 20 - much of it mirroring concerns voiced by Judge Munby. This has led Ofsted to focus on this aspect of social work practice as part of their inspection of local authority children's services arrangements for looked after children, which forms part of the Single Inspection Framework under which Darlington was inspected.
10. Local authorities can use Section 20 as a prelude to Care Proceedings but judges do not like it when the arrangements go on for lengthy periods, particularly if clear plans are not put in place for the child's long term future.
11. Recently in November 2015 Judge Munby indicated that there will be greater scrutiny of council's use of Section 20 voluntary arrangements to ensure councils did not misuse their statutory powers, for example, by a failure to get parent's informed consent to the arrangements or having voluntary arrangements in place for what he saw as 'far too long.' The expectation is that by the time of second the review of the child's plan, permanency arrangements should be clearly set out.

How the audit was conducted

12. Three auditors examined the records of 64 children who were subject to Section 20 arrangements during November – December 2015. The outcome from the individual

audits was collated and analysed to produce an overview report which set out the findings and recommendations for senior managers.

Reasons why children became accommodated

13. Some themes were identified in relation to the reasons children and young people became accommodated. These included ;
 - (a) Previous concerns about neglect, particularly where children had previously been removed from a parent and attempts to work with a parent and the new baby were unsuccessful, leading to the child being accommodated due to the parent's inability to achieve sufficient and sustained change.
 - (b) Earlier arrangements not working out that were intended to resolve matters for children by for instance, placing them with extended family members.
 - (c) Breakdown of adoption arrangements, particularly for some teenagers where the carer could no longer manage the behaviour and requested the child to be accommodated. In some cases help in terms of adoption and or therapeutic support services had proved insufficient or was not available.
 - (d) Inability of the family to cope with the young person's behaviour associated with learning difficult or mental ill health, violence or the risk they were taking associated with self-harm, sexual activity, crime or substance abuse.

Key findings from the audit

14. The key findings from the audit were:
 - (a) For all children looked after under Section 20 voluntary accommodation arrangements, this was initially appropriate.
 - (b) There was significant delay in securing permanency for many of the children. As a consequence children could not know for sure what future plans were for them. Some children should have been looked after through statutory arrangements, some had been subject to such arrangements but others were identified for whom care proceedings should be initiated.
 - (c) It was not always clear that the local authority had made the arrangements for placing the child/ren with relatives/extended family members or friends of the family, meaning that some children's legal status was unclear.
 - (d) Auditors were asked to grade each case according to the Ofsted grade descriptors. The majority of cases (54%) were graded as 'inadequate' (35 cases), Nine cases (14%) were graded 'good/requires improvement' and the remaining 20 cases (31%) were rated as 'requires improvement'.

- (e) Most of the cases graded good were of children less than six years old. The main reason being because following Section 20 accommodation, Care Proceedings had been initiated in a timely manner and permanency was being planned.
- (f) Not all plans for children were written down and formalised. Where they were available the quality varied, lacked sufficient detail and clarity. In some cases decisions for longer term care needed to be ratified and for some existing placements, including 'stay put' arrangements needed to be formally matched and agreed.
- (g) Not all statutory visits were taking place within agreed timescales.
- (h) There was a lack of rigour in the operation of the Independent Reviewing service whose role it is to challenge the quality of practice and make sure children's plans are progressed and if there are delays to bring this to the notice of managers.
- (i) A lack of contingency or parallel planning to deal with different scenarios or outcomes for children where planned care arrangements might fail.
- (j) A lack of understanding and forward planning for the long term support needs of children with learning disability or autism, and those with SEN statements who are in permanent placements, including adoption.
- (k) Limited ability to track progress on children's plans to enable managers to have oversight of what was happening in terms of delivering good quality work with the children and securing their futures.
- (l) Some children had experienced multiple moves of foster and other placements, indicating that perhaps they had not been well matched with carers in the first instance, the supply of placements available did not match needs and in some instances short term arrangements 'drifted' into long term arrangements without a clear plan for this.

Recommendations from the audit

15. Ten recommendations were made and action has been taken to respond to these individually. Some of the recommendations from the audit are already included in the Children's Services Improvement Plan 2015-2017, for example; better and more effective management oversight of cases to achieve improved timeliness in terms of statutory visits to children, ensuring there is professional supervision and training for practitioners to improve and enhance assessment and recording skills, re-issue of guidance for practitioners in relation to the placement of children with 'family and friends', private fostering, the use of the PLO process, Care Proceedings and arrangements for using Section 20, including using the correct proforma letters and written agreements.

16. Work is also underway to better understand and prevent children's placements breaking down by analysing why some do break down and to put in place appropriate supports to reduce the risks, particularly those who have already experienced two moves. This work includes looking at how the supply of foster carers can be further improved so that there is increased choice and better matching to the needs of children who need to be looked after.
17. The recommendations are:
- (a) Clarity is provided for operational staff in relation to 'family and friends care', private fostering, use of the PLO process, care proceedings and accommodation of children under S20 along with the protocols within the service for such decision making.
 - (b) The service ensures that effective 'case tracking' systems and consultation fora are in place to support workers so that timely permanency plans are made for children once they have become looked after. These systems should also serve to facilitate 'parallel planning' and raise alerts enabling the organisation to plan and provide timely suitable resources to help implement the plans
 - (c) Action is taken to ensure the independent reviewing service is systematically implemented in accord with regulations. This will include reviewing officers ensuring reviews are well informed by up to date assessments and care plans for the child concerned, have first-hand knowledge of the child and always benefit from the child's view. That IROs maintain relevant contact with the child and allocated social worker between review periods keeping up to date with any significant events in the child's life or changes that may become necessary in care plans. That IROs follow up challenges that:
 - i. Independent visitors are provided for all children who might benefit from one and would like one.
 - ii. Action is taken to ensure there is formal documentation of parental request to accommodate all children looked after under a S20 arrangement, there is clarity about consent for their health care and that all accommodated children have up to date personal education plans.
 - iii. Opportunity is taken to cleanse data when migrating to the new electronic recording system and that there are systematic arrangements for storing all necessary documentation for children looked after.
 - iv. Action is taken to secure all placements that are de facto long term and are in the best interests of the children or young people concerned.
 - v. A review is undertaken of placement sufficiency and management of in house fostering resources in order to help reduce the number of moves experienced by children and young people looked after.

- vi. Opportunity is taken to examine further the impact of disability on family relationships and the potential for support in managing difficult behaviour to prevent family breakdown or sustain placements for children looked after.
 - vii. Opportunity is taken to consider the potential for specialist early intervention with adoptive and foster families to help carers continue to care for their teenagers through adolescent difficulties.
18. A follow up audit is planned in June to check that all recommendations on individual cases have been actioned.
19. Progress on implementing all recommendations will be monitored through the Improvement Plan.