
**UPDATE ON THE AUDIT OF SECTION 20 VOLUNTARY ACCOMMODATION
ARRANGEMENTS**

SUMMARY REPORT

Purpose of Report

1. The purpose of the report is to update Scrutiny on additional action taken following the audit of children's cases where the child/young person is looked after by the Council under section 20 of the Children Act 1989. A previous report presented to Scrutiny on 11 April outlined the full details of the outcome of the audit which took place during December 2015

Summary

2. Children's Services were inspected by Ofsted in June 2015 and one of the recommendations was to undertake a thorough review of all children subject to Section 20 accommodation to ensure the Local Authority's use of the Section 20 was legitimate and appropriate in all cases.
3. The audit looked at 64 children's cases where S20 was applied and concluded that it was right for all the children to be Looked After, although the auditors concluded that some children could have been accommodated earlier; some by way of statutory action rather than voluntary arrangements and some by formal Care Proceedings. Whilst there were some good arrangements for helping children and young people to keep in touch with birth family, the audit found that there had been delay in a number of children's cases in respect of the Local Authority making long term permanent plans for them.
4. An action plan was developed following the audit and some of the recommendations from the audit were 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-issuing of guidance for practitioners in relation to the placement of children with 'family and friends', private fostering; the use of the Public Law Outline; Care Proceedings and arrangements for using Section 20, including using the correct proforma letters and written agreements.
5. A re audit of cases was undertaken during May and June 2016 and to evaluate impact following the recommendations on each case management scrutiny has/will be provided via formal challenge panels in August 2016 and September 2016 to ensure practice is improving and that the Local Authority is acting within the regulations.

6. Specific work with regard to Matching Needs Service has been started and has been incorporated into the wider transformation programme within Children’s Services to ensure we have the right type and range of placements for children and young people enabling us to better respond to their needs and prevent placement break down.

Recommendation

7. It is recommended that:

- (a) Members consider this report and note the work undertaken in response to the outcome of the Section 20 audit and the ongoing senior management oversight ensuring there is robust monitoring of the progress made in responding to the findings from individual case audits so that social practice continues to improve.

Suzanne Joyner
Director of Children and Adult Services

Background Papers

Darlington Children’s Services Ofsted Inspection Report

Pixley Clarke
 Ex 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

8. Children's Services were inspected by Ofsted in June 2015 and one of the recommendations was to undertake a thorough review of all children subject to Section 20 accommodation to ensure the Local Authority's use of the Section 20 was legitimate and appropriate in all cases.
9. 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 the case before the Court.
10. Section 20 of the Children Act arrangement allows a child to be accommodated by the Local Authority, 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.
11. 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.
12. 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.
13. 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.

Actions taken and planned since April 2016 in response to the Section 20 audit

14. Since the last report to Scrutiny, remedial work has continued. In addition to the ongoing management oversight on the progress of this cohort of children, a follow up audit of all the original children's cases was completed in May and June 2016. The

objective of this process was to ensure that all actions of the audits have been completed and where appropriate other remedial actions taken.

15. From the 7 June 2016 all first line managers of the teams where the child currently is being managed were given access to the original audit, the action plan identified by the original auditor, and the follow up audit. Work is being undertaken to make sure all actions have been completed and that the first line manager is satisfied that there is a clear plan to ensure the case file evidences that social work practice is at least of the standard of 'requiring improvement' or higher.
16. In order to gain the maximum amount of learning from the audits and to ensure all actions have been carried as identified for each case a task and finish challenge panel will take place specifically looking at the children that were identified in the original cohort. In the first instance the children currently being managed within the Safeguarding and Assessment Teams will be reviewed. The allocated Social Worker and the Team Manager will be expected to attend the panel. The panel will take place during August 2016 and will consist of:
 - Assistant Director of Children Services where possible
 - Head of Review and Development
 - Head of Service Assessment and Safeguarding
 - Service Manager – Assessment and Safeguarding
17. The panel will examine the case history, plans and audit findings and all actions taken since the audit. An observation case note will be added to the child's file by the Chair of the Panel within 24 hours. A summary report will be provided to the Children's Service SMT following the completion of all the panels.