

CONSTITUTION COMMITTEE:

11 JUNE 2014

ROLE AND STATUS OF CORPORATE PARENTING

REPORT OF THE COUNTY CLERK AND MONITORING OFFICER

AGENDA ITEM: 4

Reason for this Report

1. To consider the recommendations of a report of the Children & Young People Scrutiny Committee and Corporate Parenting Panel on the role and status of Corporate Parenting in Cardiff, and the associated constitutional arrangements and amendments.

Background

2. The Constitution Committee is responsible for reviewing the Council's Constitution recommending any changes to Council and/or Cabinet. It has authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-
 - (a) Drafting improvements to enhance clarity and remove minor anomalies.
 - (b) Updating to reflect legislative changes and matters of record.
 - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).

Issues

3. The Children & Young People Scrutiny Committee and the Corporate Parenting Panel have undertaken a Joint Task and Finish Inquiry into the role and status of Corporate Parenting in Cardiff. The Inquiry Report, dated May 2014, is appended as **Appendix A**.

4. Members will note that the Inquiry recommends that an Advisory Committee be established to advise the Cabinet and or Council, as appropriate, with regard to the discharge of its corporate parenting functions, i.e. Recommendation 1 is to recommend that Council:

“R1. Establishes an Advisory Committee of Council for the Cabinet, to ensure that Corporate Parenting has a high role and status in Cardiff Council and is representative of the responsibility of the authority as a corporate body to provide the best possible services and support for Looked After Children and young people.”

5. The Advisory Committee’s proposed terms of reference are set out in the Inquiry’s Recommendation 2, ie:

“R2. Agrees the terms of reference for the Advisory Committee to include the following:

- a) To secure real and sustained improvements in the life chances of Looked After Children, Children in Need, care leavers and youth offending children, and to work within an annual programme to that end;
- b) To develop, monitor and review a corporate parenting strategy, work plan and corporate parenting training programme;
- c) To seek to ensure that the life chances of Looked After Children, Children in Need and care leavers are maximised in terms of health, educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood;
- d) To recommend ways in which more integrated services can be developed across all Council directorates, schools and other stakeholders to lead towards better outcomes for Looked After Children, Children in Need and care leavers;
- e) To ensure that mechanisms are in place to enable Looked After Children, Children in Need and care leavers, to play an integral role in service planning and design, and that their views are regularly sought and acted upon;
- f) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for Looked After Children, Children in Need and care leavers,

- g) To receive inspection and annual reports, including; Children's Homes Quality of Care Report; Case Practice Reviews, Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C's Commissioning; Out of Area Annual Report; Annual Report of Brighter Futures (with education); Children's Complaints reports; and Advocacy Annual Report;
- h) To report to the Council's Cabinet at least twice a year;
- i) To make recommendations to the relevant Cabinet decision maker where responsibility for that function rests with the Cabinet;
- j) To report to the Scrutiny Committee with responsibility for Children's Services after each meeting;
- k) To appoint co-opted members;
- l) To develop and undertake a programme of consultation, listening and engagement events with looked after children and care leavers, as well as visits to services providing support and advice to Looked after Children, Children in Need and care leavers.

6. The Inquiry's recommendations regarding membership of the Advisory Committee are set out in Recommendation 3, as follows:

"R3. Establishes the membership of the Advisory Committee to include:

- a. Chaired by the Deputy Leader;
- b. Cabinet Member with responsibility for Children's Services;
- c. Cabinet Member with responsibility for Education;
- d. Politically Balance membership
- e. Any backbench member who wishes to be involved other than those already on Children & Young People Scrutiny Committee (without voting rights);
- f. To co-opt representatives of other partner organisations (without voting rights)."

7. The establishment of an Advisory Committee, agreeing its terms of reference and membership are all matters which must be decided by full Council, but the Constitution Committee is responsible for making recommendations to Council on these matters.

8. Members are invited to comment upon the proposed establishment of an Advisory Committee, and its proposed terms of reference and membership. The Committee is recommended to agree the establishment of an Advisory Committee for Corporate Parenting; to delegate authority to the Monitoring Officer, in consultation with the Chairs of Constitution Committee, Corporate Parenting Panel and Children and Young People Scrutiny Committee, to finalise the proposed terms of reference and membership of the proposed Advisory Committee, having regard to any comments made by this Committee; and to seek approval of the proposals from full Council, along with the appointments to the Committee.
9. The Committee will note that the Inquiry makes further recommendations in respect of the procedures and processes to be followed by the proposed Advisory Committee, in Recommendations 4 and 5, which provide as follows:

“R4. Agrees the reporting process for the Advisory Committee:

- a) To provide at least two reports a year to Cabinet, setting out its comments, advice, concerns and recommendations on any matter relating to the discharge of the Cabinet’s Function in respect of the Committee’s Terms of reference;
- b) To report, when necessary to the Children & Young People Scrutiny Committee on any matter in respect of the Committee’s terms of reference;
- c) To provide an annual report to Council on its work programme for the previous municipal year.

R5. Ensures the Corporate Parenting Advisory Committee’s procedure rules are formalised and include the standard descriptive sections covering:

- a. Meetings of Committee;
- b. Quorum;
- c. Chairperson;
- d. roles and conduct of business;
- e. agenda items;
- f. reports from the advisory committee; and
- g. Hearing evidence and receiving information.”

10. With regard to the procedures and processes of the proposed Advisory Committee, the Committee will note that the Committee Meeting Procedure Rules apply to all Committees of the Council, unless separate provision is made, for example, as for Scrutiny Committees. On this basis, it is understood that the Committee Meeting Procedure Rules will apply to the proposed Advisory Committee. However, once established, the Advisory Committee may wish to consider whether any different procedures or processes may be required, and then instruct officers to draft any necessary documentation for consideration and approval.

Legal Implications

11. An Advisory Committee can be established to advise and make recommendations to the Cabinet and or the Council, as appropriate (pursuant to s.102(4) of the Local Government Act 1972). Having regard to the key findings of the Inquiry, this is the recommended legal structure.
12. Key points to note about an Advisory Committee include:
 - (i) It can advise the Cabinet or the Council on any matter relating to the discharge of its functions, within the Committee's set terms of reference;
 - (ii) The establishment of an Advisory Committee, its terms of reference and appointments to the Committee require a decision of full Council;
 - (iii) The Committee can consist of any persons the Authority chooses, whether elected Members or not (but not including employees of the Authority, or others who are disqualified from being an elected Member of the Authority, eg. those declared bankrupt etc);
 - (iv) The Authority decides the Committee members' terms of office;
 - (v) All Committee members (whether elected Members or not) may be allowed to vote on matters being considered by the Committee (s.13 Local Government and Housing Act 1989);

- (vi) The political balance requirements apply (s.15 and Schedule 1, para 1(b) of the Local Government and Housing Act 1989); and
- (vii) Meetings of the Advisory Committee are open to the public and the general access to information provisions (regarding agendas and reports etc) apply (s.100E(3)(a) Local Government Act 1972).

Financial Implications

13. There are no direct financial implications arising from this report but in the event of any costs being identified they will need to be found from within the Democratic Services Budgetary allocation

RECOMMENDATIONS

The Committee is recommended:

- a) To note the recommendations of the Joint Report of the Children and Young People Scrutiny Committee and the Corporate Parenting Panel, 'A Review of the Status and Roles of Corporate Parenting in Cardiff Council', as set out in **Appendix A**.
- b) To recommend to Council the establishment of an Advisory Committee for Corporate Parenting.
- c) Subject to the Committee's approval of recommendation (b), to delegate authority to the Monitoring Officer, in consultation with the Chairs of Constitution Committee, Corporate Parenting Panel and Children and Young People Scrutiny Committee, to finalise the proposed terms of reference and membership of the Advisory Committee for Corporate Parenting, having regard to any comments made by Members of the Constitution Committee; and to seek approval of the same from full Council.

- d) To recommend to Council the appointments to be made to the Advisory Committee, in accordance with the membership provisions recommended under recommendation (c).

Marie Rosenthal
County Clerk and Monitoring Officer
2 June 2014

Appendices

Appendix A - Joint Report of the Children and Young People Scrutiny Committee and the Corporate Parenting Panel, 'A Review of the Status and Roles of Corporate Parenting in Cardiff Council', May 2014

scrutiny



A Joint Report of the: Children & Young People Scrutiny Committee and Corporate Parenting Panel

A Review of the Status and Roles of Corporate Parenting in Cardiff Council

May 2014



County Council of The City and County of Cardiff

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CHAIR'S FOREWORD

At the outset I would like to express my gratitude to the members of the Task & Finish Inquiry Group and all of those who gave evidence. I would also like to convey the Group's special thanks to our Scrutiny Committee Officer, Martyn Hutchings.

The East African saying that 'it takes a village to raise a child' has been so over-used by Western politicians that it has by now become something of a cliché. Like many clichés, however, it expresses a truth that is universal. In this case it is an assertion that parenting should not simply be the private concern of mothers and fathers. Although parents and families will in most cases take the leading role in caring for their children, it is being suggested here that the wider community must also take some measure of collective responsibility for parenting. Parenting is an immensely rewarding role, but it can also be challenging, stressful and expensive. As a community, therefore, we have a responsibility to support **all** parents in undertaking a role that ultimately benefits the whole of society. The application of this universal principle is particularly important in those cases where families are struggling and children are experiencing acute distress. As a local authority, of course, we have legal and moral duties of care to those children who cannot remain with their families. Elected members, and all those employed by local authorities, are thus corporate parents.

The young people who enter the Looked After Children system have experienced backgrounds where their families have been unable to provide the care and support they need. In many cases these children will have experienced abuse (physical, sexual and emotional) and severe neglect. Although such experiences inevitably inflict varying degrees of damage on these young people, it is vitally important that we do not fall into the trap of defining children by the social work referral criteria which brought them into our care. Such children may well populate the caseloads of our busy social

workers, but we should always remember that they are - first and foremost – **children**. As children they therefore need stability, care and love. Some of these young people will have difficulties, but they will also possess potential and harbour aspirations for the future. Our expectations for these ‘looked after’ children should not, therefore, be any lower than those we might have for the children in our own families. Those of us who have been privileged to attend the annual Bright Sparks Awards will have been both impressed and moved by the energy, creativity and resilience of these young people. The remarkable personal achievements of the children are, of course, partly attributable to the dedication of social work staff and foster carers. Most of all, though, it is the children who deserve the credit.

We cannot afford to be complacent, however. The outcomes for many looked after children remain obstinately poor in terms of educational attainment, health, access to stable accommodation, employment prospects and contact with the criminal justice system. How can we, as a local authority, be a better parent?

It should be acknowledged that there is not a single individual in this local authority who does not wish to improve the quality of life for looked after children and care leavers. This shared commitment transcends other political differences. Compassion, goodwill and good intentions are insufficient, though. The reality is that we should be transforming our pious hopes for these young people into practical measures of support. The Task & Finish Inquiry Group hopes this Report represents a modest first step in the right direction.

The Corporate Parenting Panel, as it is currently constituted, occupies a perversely marginalised position within the council. Despite the Panel’s crowded agenda and its regular meetings with young people and professional staff, its deliberations are largely ignored. It was a shock to this Inquiry to learn that the Panel has not reported formally since 2010. This, of course, means that public money has been wasted in the intervening period. More importantly, though, our young people have been failed by those charged with the responsibility of protecting and promoting their interests. In the circumstances

one must conclude that the present Corporate Parenting Panel is unfit for purpose. In making this judgement we make no criticism of the committed and able members who have served on the Panel over the years. The problem, we believe, is essentially systemic.

This Report sets out a number of key recommendations. We believe these proposals will raise the profile of corporate parenting within the local authority, clarify the new Committee's role and establish clearer lines of accountability. It is, for example, proposed that this new Advisory Committee of Council for Cabinet will be chaired by the Deputy Leader. Appointing a senior Cabinet member to the Chair has two main advantages. First, it bestows status on the Committee. Second, the Deputy Leader enjoys a clear line of sight over the different Cabinet portfolios and possesses the power to ensure that all service areas work together in the interests of our young people. The tendency to regard corporate parenting as the sole responsibility of Children's Services will thus be challenged.

It will also be noted that the Report recommends a comprehensive agenda of work for the Committee. Crucially, though, the new formal reporting requirements of the Committee will ensure that its work will be held to account by Cabinet, Children & Young People's Scrutiny Committee and Full Council. This will hopefully ensure that the subject of corporate parenting is moved from the peripheral vision of a council ante-chamber to the clear focus of centre-stage scrutiny.

There are, *inter alia*, four very important responsibilities the new Committee will be required to discharge: the development of a cogent and deliverable Corporate Parenting strategy; the organisation of relevant training for councillors; an itinerary of regular member visits to relevant service areas; and meaningful engagement with both looked after children and care leavers. This latter activity is vitally important. Participation by young people in council consultation processes is not merely about fulfilling our statutory responsibilities. It is also about ensuring that young people shape and receive the services they deserve.

This Report is certainly not the final word on how we should organise corporate parenting within the local authority. The implementation and effectiveness of the proposals should be scrutinised closely and, in due course, subjected to methodologically robust evaluation. Further reform will, no doubt, be required in future. Nevertheless, the Report does provide an initial route map that can help guide us through the initial stages of this very challenging journey. On that basis I commend it to you.

INTRODUCTION

1. This proposal to hold a Task and Finish Inquiry arose from concerns expressed by members of the Corporate Parenting Panel that the Panel did not have a statutory role or status, but was adopted as a good practice mechanism to support the Council in fulfilling its responsibilities as corporate parent to all children in care or leaving care in Cardiff.
2. The Children & Young People Scrutiny Committee also agreed that the role and status of Corporate Parenting in Cardiff needed to be reviewed. At its meeting on 14 January 2014 the Committee considered a report proposing the establishment of an inquiry to undertake a review of the Terms of Reference of the Council's Corporate Parenting Panel. The proposal was approved.
3. It was further agreed by the Children & Young People Scrutiny Committee that the inquiry should be undertaken jointly with members of the Corporate Parenting Panel. The Committee agreed that the inquiry could give consideration to the following:
 - (i) To formalise the status of the Panel as a committee of the Cabinet
 - (ii) To widen the remit of the Panel to include 'Children in Need'
 - (iii) To adopt a structured annual cycle of reporting
 - (iv) To extend the business of the Panel to include consideration of Child Practice Reviews
 - (v) To incorporate into the Panel's Work Programme a structured regular pattern of Member visits to frontline teams.
4. The joint Corporate Parenting Panel and Children & Young People Scrutiny Committee Task and Finish Group agreed to hold two evidence gathering meetings on 20 March and 8 April 2014. The Task Group

members received, prior to their first meeting, background information, advice, guidance and best practice examples. At the first meeting, advice and comments on the review of the role and status of the Corporate Parenting in the Council were received from Tony Young (Cardiff's Director of Children's Services), Angela Bourge (Operational Manager – Resources) and Debbie Martin-Jones (Operational Manager – Looked After Children Services). A number of partner organisations were also invited to attend or provide written advice, and the National Children Bureau took up the invitation. At the second meeting the members received legal and constitutional advice from the Council's Monitoring Officer.

KEY FINDINGS

5. The members of the Joint Task and Finish Inquiry reviewed the evidence provide to the meetings as well as the advice and comments from the Director and officers from Children's Services and the Monitoring Officer and identified the following eight key findings:

KF1 The Children Act 1989 provides the basic framework for services for children, and gives local authorities the legal responsibility for children "in care". The Children Act means that all local councillors, when elected, take on the duty of being "corporate parents" towards such children. The Council as a whole is the 'corporate parent', therefore all councillors have a level of responsibility for the children looked after by the authority. Elected Members, managers and staff have different tasks and levels of responsibility, but all must take an active part in ensuring the best possible care and opportunities are available for children.

KF2 The Task & Finish Inquiry Group agreed that the Corporate Parenting Panel as it is presently constituted mainly "notes" items and does not have the authority to recommend or have a formal reporting process. The Members considered from the advice and guidance provided that Corporate Parenting requires a high political buy-in and high status within the Council, acting in accordance with the Welsh Government guidance "*If this were my Child*" and having clear governance arrangements and reporting processes. The Group felt that the Haringey Council model of a Corporate Parenting Advisory Committee provided an excellent format to achieve the level of status, governance and reporting framework required.

KF3 The Task and Finish Inquiry considered that the current remit of Corporate Parenting must be amended to reflect the status of Corporate Parenting and must include:

- Children in Need, specifically in relation to better understanding the cohort of Looked After Children (LAC) in relation to the timeliness of them becoming LAC and the timeliness of them ceasing to become LAC (i.e. in relation to children and young people for whom the plan is adoption or reunification with their families);
- Case Practice Reviews;
- Visits to support services (internal and external) and the Council's Children's home;
- Develop, monitor and review Corporate Parenting training of Members;
- Children's Services' annual reports;
- Youth offending children;
- The routes in to care for Children in Need should be kept as a key part of the proposed Committee's work, enabling Members to fully understand the Looked After Children population; and
- Young people's views, to be obtained in a flexible way.

KF4 The Group considered that from research undertaken into the roles and status adopted by other local authorities the most comprehensive terms of reference were those used by Southwark's Corporate Parenting Committee. Members did, however, also wish to include reference to training and visits.

KF5 The Group agreed, from the evidence and advice provided to the inquiry, that the membership of the proposed Committee must reflect the high status of Corporate Parenting and that it is the responsibility of all Councillors. Members of the Group agreed that the evidence showed that the proposed Committee should be chaired by the Council Leader or Deputy Leader. The Group recognised that the Committee must be bound by Political balance for voting rights, however to enable wider member engagement and that the committee would establish a consensual decision making process any backbench member could attend. Members therefore considered that it was important that the proposed Committee must include the following membership:

- Cabinet Member with responsibility for Children's Services;
- Cabinet member with responsibility for Education;
- Any backbench member who wishes to be involved;
- Also to invite representatives from other interested organisations.

KF6 The Group agreed that to support the high status of the proposed Committee, its work programme would include the consideration of all Children's Services reports (Bi-annual Adoption Inspections, Annual Fostering Inspection, Quarterly complaints reports, Regulation 32 reports of visits, Annual Children Homes inspection reports, Care and Social Services Inspectorate Wales reports etc). The proposed Committee would also provide an annual report to Council and would be able to report recommendations to officers, Cabinet or Council as and when required

KF7 The Group considered from the evidence presented, that the work programme developed for Corporate Parenting must include; a pattern of visits to front line service, regular visits to our Children's home, visits to third sector organisations supporting Looked After Children, regular consultation and listening/engagement events with Looked After Children and care leavers. Members should also be encouraged to regularly attend events organised for Looked After Children and care leavers.

KF8 The Group considered that all Councillors should receive regular training in their responsibilities around Corporate Parenting. The Group felt that Corporate Parenting training must be mandatory, but flexible. This could include E-learning as well as one to one and group sessions, and that the Committee should develop and approve a training strategy. Committee members should have specific training, particularly before the consideration of important child care issues at Committee.

RECOMMENDATIONS

The Joint Corporate Parenting Panel's and Children & Young People Scrutiny Committee's Task and Finish Group reviewed the evidence gathered from officers of the Council, young people, Welsh Government guidance, Children's Commissioner's publications and external advice. From this evidence and specifically the eight key findings above, the Group identified the following five recommendations for Constitution Committee to consider and recommend that Council approves.

The Committee recommends Constitution Committee to consider and agree to recommend that Council:

- R1.** Establishes an Advisory Committee of Council for the Cabinet, to ensure that Corporate Parenting has a high role and status in Cardiff Council and is representative of the responsibility of the authority as a corporate body to provide the best possible services and support for Looked After Children and young people. **(KF1 & KF2)**
- R2.** Agrees the terms of reference for the Advisory Committee to include the following:
- a) To secure real and sustained improvements in the life chances of Looked After Children, Children in Need, care leavers and youth offending children, and to work within an annual programme to that end;
 - b) To develop, monitor and review a corporate parenting strategy, work plan and corporate parenting training programme;
 - c) To seek to ensure that the life chances of Looked After Children, Children in Need and care leavers are maximised in terms of health, educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood;

- d) To recommend ways in which more integrated services can be developed across all Council directorates, schools and other stakeholders to lead towards better outcomes for Looked After Children, Children in Need and care leavers;
- e) To ensure that mechanisms are in place to enable Looked After Children, Children in Need and care leavers, to play an integral role in service planning and design, and that their views are regularly sought and acted upon;
- f) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for Looked After Children, Children in Need and care leavers,
- g) To receive inspection and annual reports, including; Children's Homes Quality of Care Report; Case Practice Reviews, Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C's Commissioning; Out of Area Annual Report; Annual Report of Brighter Futures (with education); Children's Complaints reports; and Advocacy Annual Report;
- h) To report to the Council's Cabinet at least twice a year;
- i) To make recommendations to the relevant Cabinet decision maker where responsibility for that function rests with the Cabinet;
- j) To report to the Scrutiny Committee with responsibility for Children's Services after each meeting;
- k) To appoint co-opted members;
- l) To develop and undertake a programme of consultation, listening and engagement events with looked after children and care leavers, as well as visits to services providing support and advice to Looked after Children, Children in Need and care leavers. **(KF3, KF4, KF6, KF7 & KF8)).**

R3. Establishes the membership of the Advisory Committee to include:

- a. Chaired by the Deputy Leader;
- b. Cabinet Member with responsibility for Children's Services;
- c. Cabinet Member with responsibility for Education;

- d. Politically Balance membership
- e. Any backbench member who wishes to be involved other than those already on Children & Young People Scrutiny Committee (without voting rights);
- f. To co-opt representatives of other partner organisations (without voting rights). **(KF5)**

R4. Agrees the reporting process for the Advisory Committee:

- a) To provide at least two reports a year to Cabinet, setting out its comments, advice, concerns and recommendations on any matter relating to the discharge of the Cabinet's Function in respect of the Committee's Terms of reference;
- b) To report, when necessary to the Children & Young People Scrutiny Committee on any matter in respect of the Committee's terms of reference;
- c) To provide an annual report to Council on its work programme for the previous municipal year. **(KF6)**

R5. Ensures the Corporate Parenting Advisory Committee's procedure rules are formalised and include the standard descriptive sections covering:

- a. Meetings of Committee;
- b. Quorum;
- c. Chairperson;
- d. roles and conduct of business;
- e. agenda items;
- f. reports from the advisory committee; and
- g. Hearing evidence and receiving information. **(KF2)**

EVIDENCE

Scope of Task & Finish Group Inquiry

2. Concerns were initially expressed by Members of the Corporate Parenting Panel that the Panel does not have a statutory role or status within the Council. The Panel was originally adopted as a good practice mechanism to support the Council to fulfil its responsibilities as corporate parent to all children in care or leaving care in Cardiff.
3. The Panel and its Terms of Reference are included in the Council's Constitution under the list of non-executive committees (Annex 2 of Part 3 Responsibility for Functions), with a note that the Panel is not subject to political balance requirements. The Panel was not established as a formal committee or sub-committee of the Council and has no formal decision making powers.
4. The Terms of Reference provide for the Panel 'To make recommendations to others in respect of the corporate parenting of Looked After Children as consistent with the role and purpose of the panel'. However, there is no specific forum for the recommendations of the Panel to be considered or for any necessary action or decisions to be taken in response.
5. It was also suggested at a work programming meeting of the Children & Young People Scrutiny Committee that it should consider undertaking an inquiry, jointly with members of the Corporate Parenting Panel, to enable the Council to discharge its corporate parenting responsibilities more effectively. It was suggested that the inquiry could give consideration to the following:
 - (i) formalise the status of the Panel as a committee of the Cabinet
 - (ii) widen the remit of the Panel to include 'Children in Need'

- (iii) adopt a structured annual cycle of reporting
 - (iv) extend the business of the Panel to include consideration of Child Practice Reviews
 - (v) incorporate into the Work Programme of the Panel / Board a structured regular pattern of Member visits to frontline teams.
6. The Children & Young People Scrutiny Committee agreed at its meeting on 14 January 2014 to undertake a review of the Terms of Reference of the Council's Corporate Parenting Panel. The Corporate Parenting Panel also agreed that it wished to review its role and status. Members subsequently agreed to undertake this review in partnership as a Task and Finish Inquiry of the Scrutiny Committee. In addition members agreed that the Task and Finish Inquiry would hold informal evidence gathering meetings from March to May 2014, to:
- (i) Receiving the views of the Cabinet Member for Children's Service, Director of Children's services and relevant officers of the Council;
 - (ii) To review a selection of Corporate Parenting operational models from other Authorities across the UK with reference to the options set out paragraph three above;
 - (iii) To review evidence from other authorities on the appropriateness of developing a Corporate Parenting Pledge for Cardiff's Looked after children;
 - (iv) To receive the views, from Looked after children, and voluntary organisations, on what they consider good corporate parenting and the usefulness of a corporate parenting pledge;
 - (v) To receive legal advice on the governance and constitutional aspects of the preferred models for the role and status of the Corporate Parenting for the Council;
 - (vi) To consider from the evidence received the most effective role and status for Corporate Parenting in Cardiff Council, and the usefulness of a corporate parenting pledge; and

- (vii) To report its finding to the Cabinet and Constitution Committee for consideration.

7. During discussions with Officers and members it was decided that the task and finish group inquiry would adhere to the following timetable:

Inquiry meeting 1	20th March
Inquiry meeting 2	8th April
Draft report to Committee	13 May
Draft report to Parenting Panel	20 May
Cabinet receiving report	12 June
Constitution Committee	mid June
Council	26 June

What is Corporate Parenting

Background

8. 'Corporate Parenting' is the term used to describe the responsibility of local authorities, as corporate bodies, to provide the best possible services and support to Looked After Children and young people. The role of the corporate parent is to seek, for the children they look after, the outcomes that every good parent would want for their own child. While the core statutory responsibility in respect of Looked After Children is a social services function of the authority all Members and officers of local authorities share the responsibilities of the corporate parent.
9. The Children Act 1989 provides the basic framework for services for children, and gives local authorities the legal responsibility for children "in care". The Children Act means that all local councillors, when elected, take on this duty of being "corporate parents" towards such children, the key responsibilities of which are:
 - Children in public care must be the primary focus for the resources and accountability of the local authority that has accepted a parenting responsibility for them.
 - Children who have spent a significant time being looked after by the local authority should afterwards be given the kind of support that decent and responsible parents would give to their own children.
 - Children in public care and other Children in Need, including disabled children, should be provided with a fully rounded set of support and care services, in partnership with health, education and housing and Adults Services particularly. Without such support more children will end up in care.
10. The Council as a whole is the 'corporate parent', therefore all councillors have a level of responsibility for the children looked after by the

authority. Elected Members, managers and staff have different tasks and levels of responsibility, but all must take an active part in ensuring the best possible care and opportunities are available for children.

11. The key principles of Corporate Parenting can be summarised as follows:
 - a Valuing children and care leavers unconditionally as a good parent would value their own children, and how you would like to have been valued if you were that child,
 - b Conviction that children and young people who are looked after deserve a happy childhood and a good life,
 - c Recognising the importance of seeking and listening to the views, ideas, wishes and feelings of children and young people and ensuring that their interests inform and influence policy and planning at strategic and service levels as well as decisions about the child's life and arrangements for their care.
 - d Ensuring that the quality, resilience and responsiveness of services provided for Looked After Children and Care Leavers reflect standards that every good parent would expect if their children were using them.
 - e Recognising that each child is unique and that Looked After Children have distinct needs while at the same time being entitled to universal services, and that every effort should be made to promote their entitlement and inclusion.
 - f Recognising that good parenting requires a long term commitment and that young people who have been looked after need help and support, like any other young person, in making the transition to and starting out in adult life.

- g Celebrating key events in children's lives, their successes, contributions and achievements and respecting the differences between children and young people.
- h Encouraging Looked After Children and Care Leavers to make their views known, say what they like and what they don't like without being worried. Ensuring that they have access to good quality independent support and advocacy services that are well publicised.
- i Promoting positive awareness of Looked After Children, their needs and entitlements, and challenging negative perceptions and stereotypes of Looked After Children in the same way as they would for their own family. Positive awareness raising is a key function of corporate parenting and needs active commitment across the Council and with all partner agencies.
- j Good Corporate Parenting is about ethics, standards, responsibility, duty and accountability. Central to this is the willingness to recognise the need to change in order to be good parents.

Review of Role and Status of Corporate Parenting

12. The joint Corporate Parenting Panel and Children & Young People Scrutiny Committee Task and Finish Group agreed to hold one key evidence gathering meeting on 20 March 2014. The Task and Finish Inquiry members received, prior to their meeting, background information, advice, guidance and best practice examples, which included:
 - a) Background paper setting out the scope and key issues for the inquiry;
 - b) Briefing report on Corporate Parenting;
 - c) Guidance from Welsh Government on Corporate Parenting;
 - d) Feedback from consultation with Looked After Children and Care Leavers;
 - e) Written advice from the National Children's Bureau; and
 - f) A summary of alternative governance models from a selection of English and Welsh Local Authorities.
13. At the meeting Members reviewed and discussed the information provided, as well as a copy of the report of the County Clerk and Monitoring Officer entitled "Review of Roles & Status" presented to the Corporate Parenting Panel on 12 November 2013. The meeting was then organised to focus discussions around five key issues which were highlighted in the report, namely:
 - o To formalise the status of the Corporate Parenting Panel as a Committee of Cabinet;
 - o To widen the remit of the Panel to include "Children in Need";
 - o To adopt a structured annual cycle of reporting;
 - o To extend the business of the Panel to include consideration of Child Practice Reviews;

- To incorporate into the Panel's work programme a structured regular pattern of Member visits to frontline teams.
14. Tony Young (Director of Children's Services), Angela Bourge (Operational Manager - Resources) and Debbie Martin-Jones (Operational Manager - LAC Services) had been invited to provide their advice and perspective on the role and status of the Corporate Parenting in the Council, and how it could be improved.
 15. The Director explained that there was no right way to organise the responsibilities of Corporate Parenting in a Council, but he felt that whatever model was developed it should be chaired by at least the Cabinet Member with responsibilities covering children's services.
 16. The Director further explained that corporate parenting is the core responsibility of the Council and needs a strong central focus, which should include the following areas:

Needs of Looked after Children and Care leavers - Looked After Children Research; Care planning (Audit); Permanency; Adoption; Health of Looked After Children; Education of Looked After Children; Care leavers support; Accommodation; and Employment, Education and Training.

Quality of placement - Inspection reports; Annual Children's Homes Quality of Care Report; Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C's Commissioning; Out of Area annual report; Annual Report of Brighter Futures (with education); Children's Complaints reports; and Advocacy Annual Report.

Independent Reviewing Service - 6 Monthly updates; IRO report; and Annual report of DSS.

Placement Strategy and Corporate Parenting Strategy.

17. The Director also gave details of a number of other areas which might be considered for inclusion in the corporate parenting remit, which included:
- Members to have a good understanding of where a looked after child starts his/her journey in to care;
 - Able to influence preventative strategy;
 - Timeliness of interventions for those who have a return home plan;
 - Lessons to be learnt from Child Practice Reviews;
 - Work in a multi-agency context with partners.
18. Further discussions with Members and advice from all officers identified the need for the remit to include:
- Seeking children's views (Listening Events);
 - Visits to support services - Council and partner organisation;
 - Visits to children's home;
 - Attendance at LAC events and activities;
 - Engagement;
 - Children's attendance at meetings;
 - Corporate parenting members accessible to LAC (contact list);
 - Involvement of Foster Carers;
 - Meetings to be flexible in format to enhance engagement.
19. The Chairman of the Corporate Parenting Panel explained that the Panel, as it is presently constituted, mainly "notes" items and does not have the authority to recommend or have a formal reporting process. This it was felt was a structural problem which needed to be addressed.
20. Discussions between the Members and officers concluded that to ensure that there is a better service for young people, there has to be high political buy-in - with clear challenge at Corporate Parenting at a similar level to a Scrutiny Committee. Corporate Parenting also needs high

status, but with a separate membership from the Children & Young People Scrutiny Committee.

21. Members then referred to the report of the County Clerk and Monitoring Officer presented to the Corporate Parenting Panel on the 12 November 2103, which highlighted the five key issues that the inquiry could address. Members agreed to focus their discussions round these issues during both evidence sessions.

To formalise the status of the panel as a Committee of the Cabinet

22. The Group and Officers discussed various options for the status of Corporate Parenting, and it was agreed that the most appropriate status of Corporate Parenting in Cardiff should be a Committee of Council advising Cabinet, holding ten meetings per municipal year. The Group felt that this will ensure that its meetings will be held in public, with an Annual Report to Council. It was also suggested that it could also report to the Children & Young People Scrutiny Committee, when necessary. The Committee must have the power to co-opt (without voting rights) to meetings to provide advice and challenge.
23. The Group further discussed the most appropriate membership of the proposed Committee, to help ensure its high status and reflect the legal status that Corporate Parenting was the responsibility of all Councillors. The Group with advice from officers agreed that the proposed Committee should be chaired by the Leader or Deputy Leader to provide it with a clear corporate and leadership status. Members also considered that it was important that the proposed Committee should include the following:
 - ◇ Cabinet Member with responsibility for Children's Services;
 - ◇ Cabinet member with responsibility for Education;
 - ◇ The Leader or Deputy Leader;

- ◇ One member from each of the other four Scrutiny Committees;
- ◇ Plus Members from each opposition party;
- ◇ Any backbench member who wishes to be involved;
- ◇ Cardiff Foster Carer Representation (possibly through FACBO);
- ◇ Other interested organisations.

To widen the remit of the Panel to include ‘Children in Need’

24. The Group considered that the current remit of the Panel needs to be reviewed and suggested that it should be amended to include:
- Children in Need, specifically in relation to better understanding the cohort of LAC in relation to the timeliness of them becoming LAC and the timeliness of them ceasing to become LAC (i.e. in relation to children and young people for whom the plan is adoption or reunification with their families);
 - Case Practice Reviews;
 - Visits to support services (Internal and external) and the Council’s Children’s home;
 - Develop, monitor and review Corporate Parenting training of Members;
 - Children’s Services annual reports;
 - Youth offending children;
 - The routes in to care for Children in Need should be kept as a key part of the proposed Committee’s work, enabling members to fully understand the Looked After Children population; and
 - Young people’s views, to be obtained in a flexible way.
25. The Group discussed in more depth, the training of all Councillors in their responsibilities around Corporate Parenting. The Group felt that Corporate Parenting training should be mandatory; however officers advised that training must be deliverable and not necessarily provided by Children’s Services Directorate. E-learning was suggested (using the

Council's access to Learning Pool to design our own e-learning module for Members) as well as one to one and group sessions.

26. The Group agreed that the proposed committee members would need some specific training, particularly before the consideration of important child care issues. In addition the Group considered that training on Corporate Parenting needs to be undertaken with School Governors and clear links with Education need to be made. Members also noted that any Councillor undertaking a visit needs to be CRB checked beforehand.

To adopt a structured annual cycle of reporting

27. The Group agreed that the proposed Corporate Parenting Committee should receive copies of all relevant Children's Services reports, Biannual Adoption Inspections, Annual Fostering Inspection, Quarterly complaints reports, Regulation 32 reports of visits, Annual Children Homes inspection reports, Care and Social Services Inspectorate Wales reports etc.
28. The proposed advisory committee would provide an annual report to Council and would be able to report recommendations to officers, Cabinet, Children & Young People Scrutiny Committee as and when required.

To extend the business of the Panel to include consideration of Child Practice Reviews

29. The Group agreed that the presentation of Child Practice Reviews should be a key issue for the proposed committee and would also continue to be reported to the Children and Young People Scrutiny Committee.

To incorporate into the Work Programme of the Panel a structured regular pattern of Member visits to frontline teams

30. The group debated the relative merits of the proposed committee's engagement with front line services, third sector organisations, Looked After Children, care leavers and youth offending children. The Group agreed that the work programme of the proposed Committee must include:
- A pattern of visits to front line services;
 - Regular visits to our Children's home;
 - Visits to third sector organisations supporting Looked After Children;
 - Listening/engagement events with Looked after children and care leavers
 - Attendance at events organised for Looked After Children and care leavers.
31. The Group discussed the development of a Corporate Parenting Pledge for Cardiff's Children being looked after, but Members considered that this was a matter for the proposed corporate parenting advisory committee to consider as part of its work programme and therefore Members agreed not to investigate this any further.

Legal and Constitutional Advice

32. The Group agreed to hold a further meeting to seek clarification on the legal and constitutional basis for the proposed role and status for corporate parenting. The Group received the following advice from the Council's Monitoring Officer:

Advice requested

Advice requested on Inquiry key findings (draft), specifically the proposals in respect of status and membership.

Proposals

Draft proposal is to establish a formal Committee of Council comprised of cross-party elected members (including the Leader / Deputy, Scrutiny members, and other elected Members) with reps from other relevant organisations invited to attend.

Various recommendations are also made in respect of the remit of the Panel / Committee and its reporting mechanisms.

Advice

A Local Authority can establish Committees to discharge Local Authority functions; and the type of committee depends on the legal classification of the functions which are to be discharged:

- (i) Committee of Council – to discharge Council functions;
- (ii) A Cabinet Committee – to discharge Executive functions;
- or
- (iii) A Scrutiny Committee – to discharge Scrutiny functions.

Corporate Parenting functions relating to functions in respect of children in care are Executive functions, so the proposed Committee could be a Cabinet Committee (but not a Council Committee).

A Cabinet Committee is generally restricted to Cabinet members (no express legal provision to confirm this, but this is inferred in WAG Guidance on Executive Arrangements (SI 2006/56 paras 4.15 – 4.31)).

Recommended legal structure – Advisory Committee

However, an Advisory Committee can be established to advise and make recommendations to the Cabinet (pursuant to s.102(4) LGA 1972). Having regard to the key findings of the Inquiry, this is the recommended legal structure.

Key points to note about an Advisory Committee include:

- (i) It can advise the Cabinet on any matter relating to the discharge of the Cabinet's functions, within the Committee's set terms of reference;
- (ii) The establishment of an Advisory Committee, its terms of reference and appointments to the Committee require a decision of full Council;
- (iii) The Committee can consist of the persons the Authority chooses, whether elected Members or not (but not including employees of the Authority, or others who are disqualified from being an elected Member of the Authority, eg. those declared bankrupt etc);
- (iv) The Authority decides the Committee members' terms of office;
- (v) All Committee members (whether elected Members or not) are entitled to vote on matters being considered by the Committee (s.13 LGHA 1989);
- (vi) The political balance requirements apply (s.15 and Schedule 1, para 1(b) of the LGHA 1989); and
- (vii) Meetings of the Advisory Committee are open to the public and the general access to information provisions (regarding agendas and reports etc) apply (s.100E(3)(a) LGA 1972).

The Inquiry may wish to give further consideration to the following:

- (i) Draft terms of reference;
 - (ii) The relationship of the proposed Committee with the CYP Scrutiny Committee, any potential overlaps, amendments to terms of reference, reporting arrangements etc; and
 - (iii) To note the desktop research finding that most other authorities have adopted Panel / Board arrangements rather than a formal Committee, and consider whether it may be useful to seek feedback from the sole Authority which appears to have adopted the Advisory Committee structure (Haringey Council).
33. The Group discussed with the Monitoring Officer the various possible roles and status for Corporate parenting for each of the three types of Committees:
- a) Committee of Council – to discharge Council functions;
 - b) A Cabinet Committee – to discharge Executive functions; or
 - c) A Scrutiny Committee – to discharge Scrutiny functions.
34. The Group then considered the each of the key elements needed to be included in the proposed Roles and Status for Corporate Parenting as identified earlier, namely:
- a) Status;
 - b) Terms of Reference;
 - c) Membership; and
 - d) reporting structure,
35. The Group further discussed each aspect with advice and comments from the Monitoring Officer and it was agreed that the proposed role and status should be as set out below.

Constitutional Format of Corporate Parenting

36. The Group considered that the format used by Haringey Council, which had been developed following a Joint Area Review report into Haringey's Children's Services, and had identified a need to improve governance of safeguarding arrangements. A Corporate Parenting Advisory Committee was recommended as an ideal model.
37. The Group felt that Haringey Council's Corporate Parenting Advisory Committee provided a high status model for the governance of Corporate Parenting that Members wished to have in Cardiff. The Group agreed that Cardiff Council should use this model and have an Advisory Committee of Council to the Cabinet, as established by Council, to advise the Cabinet on any matter relating to the discharge of the Cabinet functions, and within the Committee's terms of reference, and the Committee to have:
 - a) Ten meetings per municipal year;
 - b) Committee members' terms of office to be agreed by Council;
 - c) Committee can consist of the persons the Authority chooses, whether elected Members or not;
 - d) All Committee members entitled to vote on matters being considered by Committee;
 - e) Quorum to be one third of the current membership
 - f) Political balance requirements to apply; and
 - g) Meetings of the Committee to be open to the public and the general access to information provision.

Reporting Structure

38. The reporting structure for the Advisory Committee was considered by the Members and they agreed that the reporting structure must included:
- a) To provide at least two reports a year to Cabinet, setting out the Committee's comments, advice, concerns and recommendations on any matter relating to the discharge of the Cabinet's Function in respect of the Committee's terms of reference.
 - b) To report when necessary to the Children & Young People Scrutiny Committee on any matter in respect of the Committee's terms of reference.
 - c) To provide an Annual report to Council on its work programme for the previous municipal year.

Membership of the Committee

39. The Group agreed, from the evidence and advice provided to the inquiry, that the membership of the proposed advisory committee must reflect the high status of Corporate Parenting, and that it is the responsibility of all Councillors. As such the Group agreed that the membership should include:
- Chaired by the Leader or Deputy Leader;
 - Cabinet Member with responsibility for Children's Services;
 - Cabinet Member with responsibility for Education;
 - Any backbench member who wishes to be involved other than those already on Children & Young People Scrutiny Committee;
 - Also to be co-opted:
 - Cardiff Foster Carer Representation (possibly through FACBO);
 - Representatives of other partner organisations.

Terms of Reference

40. To group considered, from the research undertaken into the roles and status of other local authorities that the most comprehensive Terms of Reference were those used by Southwark's Corporate Parenting Committee. However, Members wished to include reference to training and visits. The Group agreed to recommend the following Terms of Reference for the Advisory Committee:
- a) To secure real and sustained improvements in the life chances of looked after children, Children in Need and care leavers, and to work within an annual programme to that end;
 - b) To develop, monitor and review a corporate parenting strategy and work plan and corporate parenting training programme;
 - c) To seek to ensure that the life chances of looked after children, Children in Need and care leavers, are maximised in terms of health, educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood;
 - d) To recommend ways in which more integrated services can be developed across all council directorates, schools and other stakeholders to lead towards better outcomes for looked after children, Children in Need and care leavers;
 - e) To ensure that mechanisms are in place to enable Looked After Children, Children in Need and care leavers, to play an integral role in service planning and design, and that their views are regularly sought and acted upon;
 - f) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for Looked After Children, Children in Need and care leavers;
 - g) To receive inspection and annual reports on Children's Homes Quality of Care Report; Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C's

Commissioning; Out of area annual report; Annual Report of Brighter Futures (with education); Children's Complaints reports; and Advocacy Annual Report;

- h) To report to the Council's Cabinet at least twice a year;
- i) To make recommendations to the relevant Cabinet decision maker where responsibility for that function rests with the Cabinet;
- j) To report to the Scrutiny Committee with responsibility for Children's Services after each meeting;
- k) To appoint co-opted members; and
- l) To undertake a programme of visit to services providing support and advice to looked after children, Children in Need and care leavers.

41. The Group finally considered that it should judge its proposals against the three criteria identified for corporate parenting board by Ofsted where looked after services were considered to be good, namely:

- a) Demonstrated a strong cross-party commitment to Looked After Children, by championing their rights, having high aspirations for their achievement, monitoring children's progress and challenging outcomes;
- b) Clearly understood its role and the responsibilities of the local authority towards Looked After Children, and planning for and prioritised their needs, resulting in a greater focus on improving outcomes;
- c) Actively engaged with their young people, for example through meeting groups of Looked After Children and care leavers that are well-established and have effective and regular links with senior management and elected members.

42. The Group considered that should all the recommendations be accepted, implemented and the Advisory Committee undertake its duties as set out in the recommended Terms of Reference, then all the above criteria would be met.

Legislative Framework

The Children Act 1989

43. This Act provides the basic framework for services for children, and gives local authorities the legal responsibility for children "in care". The Children Act means that all local councillors, when elected, take on this duty of being "corporate parents" towards such children, the key responsibilities of which are:
- Children in public care must be the primary focus for the resources and accountability of the local authority that has accepted a parenting responsibility for them.
 - Children who have spent a significant time being looked after by the local authority should afterwards be given the kind of support that decent and responsible parents would give to their own children.
 - Children in public care and other Children in Need, including disabled children, should be provided with a fully rounded set of support and care services, in partnership with health, education and housing and adult's services particularly. Without such support more children will end up in care.

The Children (Leaving Care) Act 2000

44. The Children (Leaving Care) Act 2000 places a duty on local authorities to assess and meet the care and support needs of children leaving their care. Authorities must keep in touch with care leavers; ensure they have a Pathway Plan, a personal adviser and suitable accommodation; and assist with the costs of education, training and employment. These duties recognise that parental support would not normally come to an abrupt end at the age of 16.

The Adoption and Children Act 2002

45. This substantially overhauled adoption law in this country, replacing the 1976 Adoption Act and implementing the proposals from the Adoption: a new approach White Paper of 2000. It aligns adoption law with the Children Act to ensure the welfare of the child is paramount and confers new duties on local authorities to provide adoption support services and on the courts to ensure adoption cases progress with appropriate speed.

The Children and Young Persons Act 2008

46. The Children and Young Persons Act received Royal Assent on 13 November 2008. The Act will reform the statutory framework for the care system, to ensure that children and young people receive high quality care and support and to drive improvements in the delivery of services focused on the needs of the child. Key areas within the Act include improving placement stability, educational experience and attainment and the transparency and quality of care planning, to ensure that the voice of the child is heard in all decisions that affect them and to ensure that young people are not forced out of care before they are ready, by giving them a greater say over moves to independent living and ensuring they retain support and guidance as long as they need it. It is for Welsh Ministers to decide how and when the provisions within the Act are implemented informed by consultation.

National Assembly for Wales Guidance

47. **Guidance on the Education of Looked after Children** - Guidance on the Education of Children Looked After by Local Authorities (National Assembly for Wales Circular 2/2001) requires a nominated champion for children in care to promote inter-agency working; Personal Education Plans for children in care; a designated teacher in each school to promote the interests of children in care; and, the expectation of a time

limit of 20 school days within which children in care who change school must be found an education placement.

48. **Towards a Stable Life and a Brighter Future** - Towards a Stable Life and a Brighter Future comprises of four sets of regulations and statutory guidance to strengthen arrangements for the placement of looked after children. The key aim is to ensure that children are placed close to home in placements that meet their needs, (including any special health and educational needs) and that services are co-ordinated between agencies and delivered by key people.

49. **Extract from Secretary of State's letter to all councillors April 1999** - The role of councillors as corporate parents to their Looked After Children was driven by a letter from Alun Michael to all councillors at the launch of Children First, The key paragraphs of that letter are reproduced below.

- a) *"Elected councillors have a crucial role to play in making sure that the local authority does its job effectively and well for the children in its care and for Children in Need in its area. Councillors have a unique responsibility. As Councillors you set the strategic direction for your Authority's services, and determine the policy and priorities for your local community within the overall objectives set by Government. It is the responsibility of your officers to manage the services and resources to achieve those policy objectives. They must advise your council on the best way forward. Councillors and officers need to understand their roles and responsibilities and to have an effective dialogue about priorities."*
- b) *"As a councillor, you need to make sure that you receive adequate information so that you can ask and answer demanding questions about services for children. You need to know:*
- o *How the overall needs of children in your community and likely demand have been estimated.*

- *What services are being provided and how much they cost.*
- *How you can judge the quality and effectiveness of services, i.e. whether they achieve good outcomes for children.”*

The letter provided a checklist of questions for all councillors to ask about the information the local authority should have on the numbers, types and needs of children in the area and it emphasised that all councillors collectively as the council hold parenting responsibility and should seek to exercise this in their work as councillors.

Welsh Government and Welsh Local Government Association guide – *If This Were My Child – A Councillor’s Guide To Being A Good Corporate Parent To Children In Care And Care Leavers*

50. This guide is a joint publication from the Welsh Assembly Government and the Welsh Local Government Association and is based on original work by the Department for Education and Skills and the Local Government Information Unit. The guide sets out a number of key issues around Corporate Parenting a summary of which is set out below.

Being a Good Corporate Parent

The council as a whole is the ‘corporate parent’, therefore all councillors have a level of responsibility for the children looked after by the authority. Elected Members, managers and staff have different tasks and levels of responsibility, but all must take an active part in ensuring the best possible care and opportunities are available for children.

Corporate parenting responsibilities will only be delivered effectively where there is clear political commitment and leadership and when senior managers agree that this is a priority and make it explicit in strategic and business plans. This requires there to be mechanisms for all councillors to receive accurate information and find out about the basic issues faced by such children in their area. This does not mean

that it would be appropriate to share personal information about individual children with you, but rather that you have access to general information about trends and issues affecting Looked After Children as well as the quality and range of services provided to them.

The Executive Member as a good Corporate Parent

Responsibilities of Executive Members - Executive Members have a responsibility to play a corporate leadership role as an individual, rather than as a leading Member of a service committee. In taking this role forward in relation to the council's corporate parenting responsibilities, there are four major themes to consider:

- The delivery of the core aims for children and young people at local level.
- The importance of political leadership as well as effective management in improving safeguards and delivering better outcomes for looked after children.
- The increasing emphasis on partnership and joined-up working, including the relationship with their national health service partners and the provisions in the Children Act 2004 to develop a more holistic approach to local partnership planning for children.
- Issues around funding, setting priorities and commissioning.

Councillors who are members of their council's Executive, Board or Cabinet have a particular responsibility to provide leadership for the local community. The importance of strong and effective political leadership in delivering better safeguards and outcomes for children has been increasingly emphasised by the Chief Inspector for the Care and Social Services Inspectorate and has been a strong message of past Joint Reviews. Similarly, analyses of performance across all areas of local public services and through the Welsh Programme for Improvement have drawn attention to the contribution made by effective leadership.

Being a Good Scrutiny Corporate Parent

The scrutiny function offers councillors a range of different and potentially exciting and innovative ways to fulfil their corporate parenting responsibilities. In some respects, councillors fulfilling their scrutiny function are closest to the vision set out in the original Secretary of State's letter on corporate parenting, where he described councillors as the people in the system who have a responsibility to "bring a fresh look and common sense" and "ask demanding questions about the services and resources for children in your community".

The Second Overview Report of joint reviews in Wales identified a feature of a good action plan as one that "built in executive and scrutiny member involvement as part of the transparent, validation and implementation process".

On-going service monitoring and scrutiny

Councillors may feel the need to monitor services for Looked After Children on a continuous, on-going basis. They might want a scrutiny committee to receive regular reports on the local statistics relating to Looked After Children or on progress with implementing the Action Plan which local authorities must produce following a Joint Review.

Cardiff's Corporate Parenting Strategy

51. The Council's Corporate Parenting Strategy aims to ensure that the Council, as the Corporate Parent of children who are looked after by Cardiff Council, provides a quality of care and service for Looked After Children to ensure that they:
- are safe and well looked after wherever they may be placed, and that this includes them being valued and treated with respect unconditionally;
 - have knowledge, that is appropriate to their age and understanding, of what the care plan is for them, in the short, medium and longer term, so that they know, and can be confident about, what they can expect to happen, have a sense of permanence in respect of their living arrangements and their relationships with the people they live with, and look forward to adult life with a sense of positive anticipation;
 - have access to health and education services that can meet their needs and will ensure positive outcomes for them;
 - have, and are supported in making positive use of, opportunities for contact with their family and friends unless there is evidence that such contact would involve risk of significant harm to the child;
 - have, and are supported to make positive use of and benefit from, play, leisure, sporting and cultural activities;
 - can be appropriately dependent on adults for their care and acquire increasing independence and responsibility as they grow up so that they enter adulthood as active citizens with the knowledge and skills they need to be able to access resources and exercise their rights and responsibilities in adult life; and
 - develop an understanding of their own needs, and the needs of others, and the management and consequences of behaviour.

Cardiff's Corporate Parenting Panel

52. The Corporate Parenting Panel ("the Panel") was established pursuant to a decision of the Executive on 6th December 2007, which approved a Corporate Parenting Strategy and the establishment of a Corporate Parenting Panel as a mechanism for overseeing that Strategy.
53. The Panel does not have a statutory role or status, but was adopted as a good practice mechanism to support the Council to fulfil its responsibilities as corporate parent to all children in care or leaving care in Cardiff.
54. The Panel and its Terms of Reference are included in the Council's Constitution under the list of non-executive committees (Annex 2 of Part 3 Responsibility for Functions), with a note that the Panel is not subject to political balance requirements. However, the Panel does not appear to be established as a formal committee or sub-committee of the Council and has no formal decision making powers.
55. The Terms of Reference provide for the Panel '*To make recommendations to others in respect of the corporate parenting of Looked After Children as consistent with the role and purpose of the panel*'. However, there is no specific forum for the recommendations of the Panel to be considered or for any necessary action or decisions to be taken in response.
56. The reporting mechanism for the Panel which was approved by the Executive back in 2007 included the submission of an Annual Report to the Children and Young People Scrutiny Committee. It is understood that the Panel's Annual Report 2009/10 was duly submitted to the

Children and Young People Scrutiny Committee on 06/07/2010, but that no further annual reports have been issued by the Panel.

The current Membership and Terms of Reference of the panel are:

Membership

Cllr Jonathan Evans (Chair), Cllr Jim Murphy (Vice Chair), Vacant (Cabinet Member Children's Services), Cllr Paul Chaundy, Cllr Richard Cook, Cllr Susan Goddard, Cllr Sue Lent, Cllr Roderick McKerlich.

Officers in Attendance

Tony Young (Director of Children's Services), Angela Bourge (Operational Manager, Resources), Debbie Martin-Jones (Operational Manager, Looked After Children and Leaving Care), Sarah Peddle (Performance & Governance Manager, Education Service), Steve Davies (Operational Manager, Looked After Children's Education), Christine Lawrence (Senior Specialist Teacher, Education), Jackie Murphy (Executive Director, Tros Gynnal Plant), Elly Jones (Project Manager, Tros Gynnal Plant), Gary Bowen –Thomson (Community Education Officer, Youth Mentoring Programme), Freda Lewis (Director, Fostering Network), Karen Wilkinson (Panel Administrator).

Terms of Reference:

- a) To oversee the development and effective implementation of Cardiff Council's Corporate Parenting Strategy.
- b) To monitor the way in which services that have a responsibility to Looked After Children and Care Leavers fulfil their responsibilities and to raise matters of concern about the delivery of services that arise at meetings of the Board.
- c) To promote the joining up of key strategies, policies and local planning arrangements where this will increase their effectiveness

and support a holistic approach to improving the life changes and overall outcomes of Looked After Children and care leavers in line with their peers.

- d) To raise the profile of the needs of Looked After Children and care leavers through a range of activities which will include consideration of performance information, meetings with looked after children, care leavers, parents, foster carers, staff and visits to children's services and resources, including children's homes.
- e) To ensure that children and young people have information about what they can expect from Cardiff Council as their corporate parent.
- f) To promote meaningful consultation and participation and ensure that the view of children, young people, their families and carers are listened to and taken into account through the Panel/Board and by the Council as a whole.
- g) To ensure that the achievements of looked after children, care leavers, foster carers and staff are celebrated and rewarded.
- h) To ensure that systems are in place to ensure children who are looked after can be confident that their individual interests will receive full and fair consideration including when these may be in conflict with aspects of the policies and procedures of the Council.
- i) To make recommendations to others in respect of the corporate parenting of Looked After Children as consistent with the role and purpose of the panel

Consultation with Children being Looked After and Care Leavers

57. The Inquiry tasked Tros Gynnal Plant to undertake consultation with Children being looked after and care leavers to seek their views on Corporate Parenting. A group of Looked After Children and Care leavers were initially briefed on what “Corporate Parenting” involves and its key principles. The group were then asked a series of questions around their views on how the Council should operate as a Corporate Parent. The full feedback from the consultation can be obtained from Scrutiny Services. A summary is listed below:

- The young people in the group had mixed experiences. Mostly the young people’s experience of the Council as a corporate parent came from their interactions with Children’s Services.
- One young person said her social worker had been excellent and she felt that her social worker had had high aspirations for her and had treated her as a parent should. Others in the group felt that they had experienced bad corporate parenting as social workers and PAs were often so busy they felt that they were bothering them if they needed help and support – which they didn’t think reflected a good relationship between a parent and a child.
- Young people in the group said they were made to feel that they were ‘complaining’ if they didn’t feel happy about aspects of the service and felt awkward about being labeled as a ‘complainer’.
- One of the young people said it was her foster carer who had provide support and had treated her as if she was her own child and had high aspirations for her. She said she had had multiple social workers and didn’t feel that they had valued her in this way.
- The young people said that they didn’t feel that the education service supports young people as a corporate parent and doesn’t make allowances for difficulties arising from multiple placement moves and emotional needs.

Alternative methods of Corporate Parenting

The National Children's Bureau Advice on Best Practice

Governance arrangements

58. A major challenge for local authorities is to get their governance arrangements for corporate parenting 'right'. Although they are not a statutory requirement, most local authorities have established a corporate parenting group to take overall responsibility.

Corporate parenting groups

59. In the recent round of Ofsted inspections of services for looked after children, the effectiveness of these groups was sometimes commented upon. Where the group worked well it provided the leadership necessary to drive an ambitious and coherent multi-agency approach to improving outcomes for Looked After Children and care-leavers. Where it did not work well, services for Looked After Children tended to be less effective.
60. Ofsted identified where looked after services were considered to be good. In these authorities the corporate parenting board:
- *demonstrated a strong cross-party commitment to looked after children, by championing their rights, having high aspirations for their achievement, monitoring children's progress and challenging outcomes*
 - *clearly understood its role and the responsibilities of the local authority towards looked after children, and planned for and prioritised their needs, resulting in a greater focus on improving outcomes*
 - *actively engaged with their young people, for example through children in care councils that are well-established and have effective and regular links with senior management and elected members.*

What is the best model for corporate parenting groups?

61. There is no 'right' way of establishing a corporate parenting group. Different models can be equally effective, as long as they are structured in such a way that they can fulfil the above functions. This is more difficult than it sounds: local authorities are complex organisations and the group needs to 'fit' with a range of other committees, boards and panels. Unless it is clear what the group can actually *do*, commitment is hard to maintain. The range of arrangements can include:

- ❖ **Corporate parenting committee.** In some councils, the corporate parenting group has the status of a formal council committee. This has the advantage of according the group a higher status than less formal groups can have. Disadvantages include the fact that council committees are open to the public, operate according to formal rules, and are therefore less likely to facilitate engagement by children and young people. This setting does not usually encourage free discussion and the outcome is often to 'note' the content of reports provided by officers rather than to drive a programme of change.
- ❖ **Children's scrutiny committee.** Part of the function of corporate parents is to monitor the service to Looked After Children, and this can be seen as overlapping with the council's remit for scrutiny. Some councils have given responsibility for corporate parenting to their scrutiny committee or established a subgroup specifically looking at children's services. This may have the advantage that it promotes vigorous challenge but the disadvantage that scrutiny is not the same as leadership, and is unlikely to result in an effective strategy for corporate parenting.
- ❖ **Corporate parenting group/panel/board.** These are constituted specifically to take an overview of corporate parenting and have locally determined membership. Some consist only of elected

members but with officers in attendance to give advice: some have mixed membership, possibly including officers from partner agencies and representatives from the Children in Care Council. The group is usually chaired by the Lead Member for Children's Services or another elected member – and opinion differs about which works best. A potential disadvantage of this model is that the status of the group may be unclear.

- ❖ **Multi-agency looked after partnership (MALAP).** Many councils have created a group of officers from the range of agencies involved in meeting the needs of Looked After Children and care-leavers, including health and education providers, participation workers, etc. These can share information about children's needs and coordinate services. MALAPs can work well but there needs to be clarity about how they will link with elected members. There is no reason why there should not be mixed officer and councillor membership, but some local authorities have established separate groups that link to each other.
- ❖ **Hybrid models.** These models are not mutually exclusive. Features can be combined, or in large counties there may be district groups linking to a central board.

Key ingredients of a Corporate Parenting Model

62. Whatever the model, the key issues to resolve are as follows:

- ❖ Who should chair the group?
- ❖ What should the membership be?
- ❖ What is the status of the group?
- ❖ What can it decide?
- ❖ Who should the group report to?
- ❖ Who should report into the group?
- ❖ How will the views of children and young people be represented?

Key elements of the model

- 63. This proposed model suggests a framework for the systems and processes that need to be in place if a local authority is to meet its responsibilities as a corporate parent. The model cannot be seen in isolation because consideration will need to be given to how it fits with other local authority departments, council committees and partner agencies.
- 64. Corporate parenting may be delivered through different systems and structures in different authorities; however, it is suggested that the components of the model need to be in place, irrespective of the local structure, if responsibilities are to be met.

Key Components

- 65. Whatever structures exist in your council, **children's participation** is an essential part of the process to ensure that every child has the opportunity to give their views. This may provide opportunities to involve children in drawing up the local Care Pledge. Parents, family and carers have similar contributions to make if the objective of hearing and taking into account the views of all stakeholders is to be achieved.
- 66. Its **leadership and governance** within the council must be clear – for example, there should be clarity concerning the group's powers to deploy resources and individual members must be clear about the authority they exert.
- 67. Where the group or its individual members do not possess these powers, the **decision-making processes** that will apply within their council or agency must be well defined – especially the relationship of the corporate parenting group to other management, resources, scrutiny committees and boards.

68. The group requires a sophisticated level of **management information** to carry out its role. This information should cover quantitative data, such as education outcomes for looked after children, and also qualitative data, such as the views of consumers of services concerning the quality and suitability of the services to meet their needs and achieve good outcomes.

Research into other Local Authorities' Corporate Parenting Models

69. The Scrutiny Research Team undertook a desk top analysis of the roles and status of models used by other local authorities across England and Wales. A total of 24 local authorities had appropriate information online to enable an assessment to be made of their Corporate Parenting Status.

70. Of the 24 local authorities, the following analysis of their Corporate Parenting models was produced.

a) Corporate Parenting Panel / Board	17
b) Corporate Parenting Committee	3
c) Executive Board	3
d) Executive Committee	1

71. Full details of the research can be obtained from Scrutiny Service upon request.

INQUIRY METHODOLOGY

72. It was agreed by the Committee that the Inquiry would be held on one day to receive all evidence and invite stakeholders to advise the Inquiry of their views on models for effective Corporate Parenting. However none of the stakeholders were available to attend the meeting, although the National Children's Bureau did provide a written submission.

73. The following Scrutiny Committee Members took part in the Inquiry:

Councillor Sue Lent

Councillor Richard Cook

Councillor Chris Davis

Councillor Jonathan Evans

Councillor Paul Chaundy

Councillor Jim Murphy

74. The inquiry team was grateful to Tony Young, Director of Children's Services, Angela Bourge, Operational Manager Resources and Debbie Martin-Jones, Operational Manager LAC Services, who provided evidence and for the open and honest advice, comments and suggestions they made, and to the staff from Tros Gynnal Plant and young people who provided their views on Corporate Parenting.

LEGAL IMPLICATIONS

75. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without modification. Any report with recommendations for decision that goes to Cabinet / Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal power of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

FINANCIAL IMPLICATIONS

76. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications.

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE

TERMS OF REFERENCE

To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of children and young people, including the following:

- School Improvement
- Schools Organisation
- School Support Services
- Education, Welfare and Inclusion
- Early Years Development
- Special Educational Needs
- Governor Services
- Children's Social Services
- Children and Young Peoples Partnership
- Youth Services and Justice
- Play Services.

To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government, Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of the Council's service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance the Council's performance in this area.

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE MEMBERSHIP



Councillor Sue Lent
(Chairperson)



[Councillor Paul Chaundy](#)



[Councillor Chris Davis](#)



[Councillor Jonathan Evans](#)



Councillor Dianne Rees



Councillor Jim Murphy



Councillor Jo Bowle



Councillor Edward Stubbs



[Councillor Cecelia Love](#)

Co-opted Members:



Mrs P Arlotte
Roman Catholic
Representative

Vacant
Church in Wales
Representative



Mrs Catrin Lewis
Parent Governor
Representative

Vacant
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Representative

CORPORATE PARENTING PANEL MEMBERSHIP



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[Councillor Paul Chaundy](#)



[Councillor Chris Davis](#)



Councillor Richard Cook



Councillor Sue Lent



Councillor Jim Murphy
(Vice Chairperson)



Councillor Sue Goddard



Councillor Rod McKerlich

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