If this were my child .... A councillor’s guide to being a good corporate parent to children in care and care leavers.

A joint publication from the Welsh Assembly Government and the Welsh Local Government Association (based on original work by the Department for Education and Skills and the Local Government Information Unit).

June 2009
Foreword

The Welsh Assembly Government believes that children are best brought up within their families, which is why our policies are predicated on early intervention and family support. But for some children, due to family problems and pressures, or because they are suffering due to abuse or neglect, this is neither possible or in their best interests. It is for these children that the state becomes responsible for their care and to act as corporate parent.

When you became an elected member you took on one of your most important roles, as corporate parent to children your local authority looks after. The importance of your corporate parenting responsibilities cannot be overemphasised. Elected Members have a responsibility to ensure that children looked after by the Council are able to thrive, that they are nurtured, supported, educated, listened to and prepared for adult life in the way any good parent would want for their own children. These children will often have faced significant challenges and will need the help of adults who hold powerful and influential positions.

The concept of corporate parenting - the collective responsibility across services and across local authorities to safeguard and promote the life chances of looked after children, is well established. However, following electoral changes many elected members are new to this role. I am delighted therefore to update and reissue, jointly with the Welsh Local Government Association guidance which was originally issued in 2005.

I would also like to thank Karen Sinclair AM for undertaking her recently completed survey "…Each Child Is Different". This survey will provide a very useful analysis of the views of councillors and identify some interesting examples of good practice.

The Welsh Assembly Government is determined to improve outcomes for vulnerable children. Much progress has been made to date but despite significant investment high ambitions and a shared commitment for change, outcomes for looked after children still fall behind those of their peers.

We are introducing a package of measures to improve outcomes for children in care on the edge of care and care leavers. This includes proposals already in train to establish Integrated Family Support Teams (IFST) in 2010 to strengthen support to vulnerable families and allow for earlier reunification of children with their families where it is safe and in their best interests to do so.

We will shortly consult on proposals to improve outcomes for children in care and care leavers using provisions in the Children and Young persons Act 2008, 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.

The Children and Young Persons Act will provide us with the tools we need to strengthen the legislative framework underpinning the care system, but improving
the role of the corporate parent, as part of Children and Young People’s Partnerships will be key to securing improvements in outcomes for children who you look after.

It is with the corporate parent that responsibility and accountability for the wellbeing and future prospects of looked after children ultimately rests. I hope that you will approach your corporate parenting responsibilities with enthusiasm and commitment and that this guidance will help you to play your full part.

Perhaps we should all try to operate on the principle ‘would I do it this way if this were my child?’

Gwenda Thomas AM  
Deputy Minister for Social Services
As Elected Members, there can be no more important responsibility than supporting those children and young people entrusted into our care. It is crucial that as Elected Members, you are able to ensure that local services are meeting the needs of children and young people, enhancing their life chances and making sure that the environments in which they live and learn allow them to maximise their potential.

This guidance provides all local authority Councillors, and specifically lead members for Children, with the necessary information and guidance to be effective corporate parents. Local authorities are already driving forward positive change, with significant improvements to performance across Children’s services. But, we can and must do more and corporate parenting will be an important part of the ongoing improvement to local services for many years to come.

Cllr Meryl Gravell OBE
WLGA Spokesperson Social Services & Health Improvement
Like my predecessor Peter Clarke, I have a very keen interest in the outcomes for looked after children. As Councillors you have a major role to play in ensuring that those children who are cared for by your council have the best care that they can possibly receive. There is a clear vision for the role of the Corporate Parent in Wales, yet for many of the children who contact my office that vision is not the reality of what they experience.

The recent Concluding Observations of the United Nations Committee on the Rights of the Child highlighted again areas which need to be improved for looked after children. In particular, the Committee stressed the importance of the views of children in care and the need for accessible complaint mechanisms in all parts of the country. Article 12 of the Convention makes it clear that children and young people have the right to participate in decisions which affect their lives. The Committee also highlighted the need for regular visits to all looked after children.

I will be watching the progress that is made in relation to advocacy services for children and young people across Wales with a particular focus on the services provided for looked after children and children in need. We have to strive to ensure the best possible services for the most vulnerable children in our society today.

This guide sets out clearly some of the questions and information that you as a corporate parent need to ask and receive so that those children in your care receive the best possible chance in life. By asking the questions of the officers and ensuring the full participation of all looked children you can play a major part in realising the corporate parent role set out by Welsh Assembly Government and the Welsh Local Government Association.

The key issue for you as a corporate parent is to make sure you listen and discuss issues openly with children. Parenting is not an easy job and the role of the corporate parent is a challenging one but the duty on you is to do all you can to ensure these children can be the best they can be.

Keith Towler
Children's Commissioner for Wales
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1. Introduction

1.1 If this were my child ....

When you became an Elected Member, you also became responsible for ensuring that the council acts as a good ‘corporate parent’ for all the children it looks after. The role of corporate parent is to seek for children in public care the outcomes every good parent would want for their own children. The local authority has a legal and moral duty to provide such support to the children it looks after.

A common misconception about children in care is that they are there because they have done something wrong, which is untrue. The overwhelming majority of children in care are there because of family pressures and problems or because they have experienced abuse or neglect.

Once a child becomes looked after all Members and officers of the council, as their corporate parents, need to be concerned about that child as if they were their own. This concern should encompass the child's education, health and welfare, what they do in their leisure time and holidays, how they celebrate their culture or religion and how they receive praise and encouragement for their achievements.

Glossary of terms

There are many terms that you may come across which professionals use to describe children in need under the Children Act 1989. Below are simple definitions of the most common:

| **Looked after children** – These are children who are looked after by the local authority through a care order made by a court or by agreement with their parent(s), whether in a residential home, with other members of their extended family or with foster carers. Some may be placed outside your local authority area, but remain your responsibility. These are the children for whom the council is the corporate parent and are the children about whom this publication is primarily concerned. Throughout this guide, the term 'looked after children' is used to cover children and young people of all ages in the care of a local authority. |
| **Care Leavers** – These are young people who have been looked after by the local authority and who the authority has a duty to keep in touch with and to support when they leave care. The responsibility lasts up to the age of 21 or beyond if they are in education or training. |
| **Children in need** – These comprise a much wider group of children who are assessed as being unlikely to achieve or maintain a reasonable standard of health or development without access to services. In particular the Children Act 1989 identifies all disabled children as children in need, and also those whose names are on the Child Protection Register. |
| **Children at risk of harm** – These are children about whom there are concerns that they are or may be at risk of suffering harm through abuse or neglect. Your council will maintain a Child Protection Register of the names of children who are the... |
subject of a child protection plan because of continuing concerns about their safety. It will monitor closely their safety and developmental progress.

**Personal Educational Plan (PEP)** – Each looked after child should have a PEP. The purpose of the PEP is to ensure access to services and support; contribute to stability; minimise disruption and broken schooling; signal particular and special needs, establish clear goals; and act as a record. The PEP should be agreed at the latest, within 20 school days of the child becoming looked after or joining a new school. An accurate and constructive educational record provides a looked after child with a ‘passport’ for the future.

### 1.2 Ensuring a joined-up approach

The corporate parenting responsibility is towards children looked after by your council as well as care leavers and applies to all Elected Members. It is important to bear in mind that it is not just social services that impact on these children. Section 27 of the Children Act 1989 places a duty on the NHS as well as each local authority’s housing and education services to assist social services in carrying out their functions under the Act – this includes assisting in their corporate parenting function.

The Children Act 2004 places a duty on the local authority, health and other key partners to co-operate to improve the wellbeing of children in their area. Members should seek to ensure that provision of all public services used by looked after children and young people is high quality, “joined up” and takes account of their needs. This entails commitment and collaboration across a range of council services and with key partners. This could include:

- Local health services.
- Flying Start and early years provision.
- Schools and other education settings.
- Further and higher education providers and training providers.
- Youth Offending Teams (YOTs).
- Housing associations and other organisations that may run local social housing.
- Leisure, library and youth services.
- Services that may be contracted out to private or voluntary sector organisations.

The Children Act 2004 also established Children and Young People’s Partnerships responsible for improving wellbeing and outcomes for children through effective local partnerships which co-ordinate the planning and delivery of all services for children and young people. The Act emphasises the need for pooled funding to underpin joint commissioning of services where appropriate to action agreed priorities as set out in the local Children and Young People’s Plan.
Lead Members for Children and Young People’s Services and Lead Directors are responsible for overseeing the Partnerships and Plans and promoting co-operation between the authority and its partners. They have a key responsibility along with the Director of Social Services for leading improvements in corporate parenting and for ensuring that looked after children are seen as a priority by the whole authority and by the Children and Young People’s Partnership.

It should be part of all councillors’ responsibilities as corporate parents to be satisfied that there is a joined up, effective and holistic approach to meeting the needs of looked after children through the local planning arrangements. The Council must also ensure that services for adults are able to support the child’s transition to adulthood and support the child and young person’s family. Too often, disagreements between council departments about which has responsibility for looked after children and care leavers can result in these children and young people being denied the services and support to which they are entitled. Effective joint working and active corporate parenting should prevent this happening.

1.3 Core Aims for Children and Young People

The Welsh Assembly Government has adopted the UN Convention on the Rights of the Child as the basis of all its work for children and young people in Wales and translated this to seven Core Aims through which the Assembly Government and its partners work to ensure that all children and young people:

- Have a flying start in life and the best possible basis for their future growth and development.
- Have access to a comprehensive range of education, training and learning opportunities including acquisition of essential personal and social skills.
- Enjoy the best possible physical and mental, social and emotional health including freedom from abuse, victimisation and exploitation.
- Have access to play, leisure, sporting and cultural activities.
- Are listened to, treated with respect, and are able to have their race and cultural identity recognised.
- Have a safe home and a community that supports physical and emotional wellbeing.
- Are not disadvantaged by child poverty.

Children and Young People’s Partnerships, led by local authorities, are required to refer to the UN Convention and children’s rights as the basis for their Children and Young People’s Plans.

- Has your authority adopted the Convention and used particular rights in support of its planning or does it have plans to do so in the future?
- How is your authority ensuring that the way you discharge your responsibilities for looked after children meets the provisions of the UN Convention?
• What steps is your authority taking to take forward the seven core aims, as described in Children and Young People’s Plan Guidance, in relation to the children in its care?

2. Being a good corporate parent

This publication offers advice on the sorts of issues you should be aware of in all the different roles you have as councillor in being a good corporate parent. It poses particular questions for you to think about. You are not expected to know all the answers immediately or remember them. The important thing is that you know how to find out the answers and your authority has developed a means of informing you and keeping you up to date.

2.1 Who is a corporate parent and what do they do?

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.

<table>
<thead>
<tr>
<th>Checklist for your role as a corporate parent</th>
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<tr>
<td>Do you receive regular information on and know the answers to the key questions outlined in this checklist about looked after children and care leavers in your area? In particular:</td>
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<tr>
<td>1. Does your authority provide training and information for you as corporate parents about the issues and concerns of looked after children in your area?</td>
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<td>2. Has your council adopted a statement on corporate parenting?</td>
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<td>3. Does your authority provide specific training for any councillors who may come into contact with looked after children?</td>
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<td>4. How do you know what issues concern the young people in your council’s care?</td>
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<tr>
<td>5. What arrangements are there to enable you to enter into a dialogue with children for whom you are corporately responsible and for you to respond to their views?</td>
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</table>
6. What mechanisms exist to ensure the council seeks the views of looked after children and young people and celebrates their achievements?
7. Is there an occasion at least once a year for looked after children to feed into your council meetings?
8. Are there opportunities to hear from foster carers and to celebrate their achievements?

Key questions for councillors

The kind of information you will need to answer each of these questions is outlined later in this chapter:

1. How many children in need, children whose names are on the child protection register, looked after children and care-leavers are there in your area? How old are they and what sort of help do they need?
2. How many looked after children are placed out of area? What are the circumstances of these out of area placements?
3. How many are from ethnic minorities?
4. How many are disabled?
5. Are children safe?
6. How well does the authority look after them?
7. How well are they doing at school, college or university and what needs to be done to improve educational outcomes?
8. What are their health needs and how are these met?
9. What advice and advocacy services are available to looked after children?
10. What are their housing needs and how are these being met?
11. What specific support is there when they leave your care?
12. How do you support them to develop responsibility and promote positive behaviour?

Key question 1 - How many children in need, children whose names are on the child protection register looked after children and care-leavers are there in your authority?

Key question 2 - How many looked after children are placed outside your local authority area?

There is concern that children cared for in out of authority placements are more vulnerable to placement breakdown and interrupted schooling. Their needs should be addressed and planned for in the same way as other children but there are logistical difficulties in how their needs and placements are planned and supported. The Welsh Assembly Government believes that wherever possible and in their best interests children should be placed close to home, in placements that meet their...
needs, including any special health or educational needs. The regulatory framework for the placement of children was strengthened in 2007 as part of *Towards a Stable Life and a Brighter Future*¹.

This includes a requirement for the local authority to convene a panel of multi agency representatives to agree arrangements and funding where a placement is considered out of area. All such placements must be signed off at head of service level and details and circumstances reported to Lead Members and Framework Partnerships.

The Children and Young Persons Act 2008 builds on Towards a Stable Life to ensure placements are made close to home including a new general duty on local authorities to take reasonable steps to secure sufficient accommodation for looked after children in their area.

**Key questions 3 - How many are from ethnic minorities?**

Your council should be able to provide you with the following information in relation to key questions 1, 2 and 3:

- How many children are there in each of these categories?
- What is their ethnic and cultural background?
- Do they have any disabilities or other special health or education needs?
- Are they involved in any offending behaviour?
- What are the circumstances surrounding out of area placements?
- What trends are there in any of these figures?
- What arrangements are there for members of the council to listen to and act on the views of looked after children including those placed out of area?

Councillors will need to be satisfied that the council is meeting the cultural and religious needs of looked after children. Many authorities send Christmas cards and presents to their looked after children; for children who celebrate other religious festivals, these should also be marked and celebrated in some appropriate way.

Another growing group of vulnerable children, who come within the scope of the Children Acts 1989 and 2004, are asylum seeking children. Welsh Assembly guidance advises that unaccompanied asylum seeking children and young people (and others with no parent or guardian in the UK) should become ‘looked after’ unless there are firm grounds for deciding alternative arrangements would be in the child’s best interests².

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**Key question 4 - How many looked after children are disabled?**

Councillors will also want to ask questions about disabled children in care. They are more likely to be looked after in residential settings, often living far from home with dwindling links with families. Local authorities can lose sight of looked after children placed in residential settings, especially those who end up living a long way from their home area or home council. Looked after children placed in residential schools are often paid for jointly by social services and education. All children in long term residential placements, funded primarily by social services should be supported as looked after children. Disabled children are vulnerable if not protected by regular contact with a social worker and when regular reviews of their needs are not carried out.

The Children and Young Persons Act 2008 strengthens the way local authorities supervise such placements by clarifying the notification arrangements to ensure they are addressed to the Lead Director of Children and Young People’s Services and introducing a duty on the home local authority to visit and maintain contact with these children. This includes a social worker who regularly reviews their needs, an independent visitor and support to maintain contact with the child’s family.

Many disabled children receive short break services from their families. It is important that good standards of care are maintained even if the child is away for only one night at a time. Such services are in short supply and the Council should ensure fairness in allocating them and that they meet the right level of need.

**Key question 5 - Are your looked after children safe?**

Councillors have a responsibility to ensure that arrangements are in place to promote the welfare of children in the care of the local authority, and to protect them from abuse and neglect. Where there are concerns about the welfare or safety of a child who is accommodated or the subject of a Care Order, the guidance in the Framework for the Assessment of Children in Need and their Families and Safeguarding Children Working Together under the Children Act 2004 must be followed, as for any other child.

You will need to consider how well you ensure that children looked after by the local authority are protected from abuse – emotional, physical and sexual – and from neglect. To this end, you will wish to ensure that your council has implemented the guidance in Safeguarding Children Working Together under the Children Act 2004 and the Framework for the Assessment of Children in Need and their Families. Indeed, you should receive training (including induction and continuing staff development) on it. You should also receive regular reports including statistics, on the number of looked after children whose names are on the Child Protection Register.

Questions which your council should be able to answer to assess how well the children in your council’s care are protected from abuse or neglect include:

- Do staff receive training on Safeguarding Children Working Together under the Children Act 2004 and the Framework for the Assessment of Children in Need and their Families?
If looked after children experience concerns about their own safety, do they have someone trusted to talk to?

Are particular arrangements in place to safeguard children who are placed out of the local authority area?

Do foster carers and staff responsible for looked after children know what to do if they have concerns about a child’s safety?

Do staff and foster carers have regular training on what to do if they have concerns about a child’s safety?

How many looked after children’s names are on the child protection register?

What are the reasons for them being on the register?

What problems is your council experiencing with recruitment and retention of appropriately skilled staff and how is this affecting access to and quality of service?

Are all the necessary recruitment checks being carried out?

How regularly are social workers in contact with individual children including those placed outside the area?

Are there appropriate procedures in place for use when a child goes missing from care (including foster care)?

Are effective management systems and procedures in place to support front line staff working with looked after children?

Does the local authority work effectively, through the Local Safeguarding Children Board and with the other local organisations responsible for the provision of services to looked after children?

Are the specific needs of disabled children addressed in child protection protocols?

Key question 6 - How well does your local authority look after them?

What services are available for children in your area and looked after children in particular, and how much do you spend on providing them?

Are you satisfied that the services available to children placed outside your area are meeting their needs?

Do looked after children have access to the full range of services available to all children?

What needs are you unable to meet and why are you unable to meet them?

The kind of services and support which children are likely to need could range from advice services, for example on sex education or drugs abuse, therapy including counselling and speech therapy, youth services and leisure activities providing safe opportunities for play and exercise and provision of information about services that children and young people can access.
Some authorities pay for services, support and other items in the same way that a parent would, for instance, by providing free access to leisure centres and contributing towards further education costs. See key question 8 regarding the importance of advocacy and children’s rights services for looked after children. Local authorities’ responsibilities to support care leavers are looked at in more detail later under key question 10.

How well does your authority meet its responsibilities to accommodate looked after children? In particular:

- What type of placements are they in - for instance, foster care, residential home, or custody?
- What type of placements are they in outside your area and how far away are they from their normal home?
- Are they in the right placement in the first place, does it meet their health and educational needs?
- How often have looked after children been moved in a particular year?
- How many children in your care are living in placements outside your authority where you will have less opportunity to influence whether or not they do well?
- How regularly do children placed outside your area have contact with their allocated social worker or other council staff?
- How well is contact maintained with their families and communities?
- Do all looked after children have an allocated social worker and are all case files kept up to date and reviewed regularly?

One of the greatest problems for children in care is the upheaval caused by frequent moves from one type of care to another, between foster carers and even from one area to another. Each placement move may require the child – already traumatised by the events at home that have led them into care – to change schools, make new friends or develop new relationships with a different set of adults and professionals.

The Learner Travel Measure requires local authorities to provide transport for looked after children if they live beyond two miles (in the case of primary schools) or three miles (in the case of secondary schools) from their school even if there is a nearer school they could attend. This aims to ensure continuity of education, stability and contact with siblings and friends.

While some placement moves, particularly for children placed in emergency care are essential, the Welsh Assembly Government wants local authorities to ensure that looked after children do not have more than three placement moves in any one year and that change of schools is kept to a minimum. This does not mean that if a placement turns out to be inappropriate for the child, for whatever reason, they should remain in that placement simply in order to meet a target. However, too many placements can end because appropriate education is not in place or if the school placement breaks down putting pressure on the carers. More needs to be done to
prevent placement breakdown and councillors need to know that in their authority children are not having multiple and disruptive placement moves.

Authorities that provide good support and training to foster carers tend to achieve lower than average placement moves. Celebrating their achievements, as described in Section 2.5, not only recognises foster carers’ dedication and skills but also helps to boost morale and increase their commitment to continue providing high quality care.

Key question 7 - How well are they doing at school, college or university and what needs to be done to improve educational outcomes?

Section 52 of the Children Act 2004 places a positive duty on local authorities to promote the educational achievement of looked after children. Duties of co-operation to improve well-being under section 25 of that Act include education, training and recreation. These duties apply to all the authority’s looked after children, wherever they are placed and to young people leaving care.

Statutory guidance on Children and Young People’s Plans requires Children and Young People’s Partnerships to set out their policies for the provision of education for looked after children.

The Welsh Assembly Government has committed funding of £1 million annually through its RAISE (Raising Attainment and Individual Standards of Education) grant for the period 2006/07 to 2010/11 to put in place additional support for looked after children approaching external examinations at aged 16. Early indications are that a significant number of looked after children have benefited from the personal support and additional tuition provided through RAISE funding.

- Are we doing enough to support the education of our looked after children?
- Do they have a school place; attend school regularly and how many are excluded, officially or unofficially, from school?
- What use is the authority making of its RAISE funding and how much an impact is this having on educational outcomes?
- Are those out-of-school provided with appropriate and full-time alternative learning provision?
- What progress are they making and how do they do in examinations and teacher assessment or through other assessment?
- Does every child have a personal education plan (PEP³) and is it up-to-date?
- What does the latest inspection report say about standards of education for looked after children in the authority?

³ The requirement for every looked after child to have a high quality PEP has been strengthened using powers under the Children Act 2004. (Towards a Stable Life and a Brighter Future, Welsh Assembly Government, (2007).
• Do they receive the support they need to be able to make effective use of the education available to them?
• Are there effective practices in place to prevent them from being bullied?
• Is every effort being made to avoid their having to move schools?
• How many looked after children have a statement of special educational needs or are on school action or school action plus programmes and how does this compare with average rates of statementing for the school and the area?
• What percentage of looked after children are excluded from school and how does this compare with average rates for the school and the area?
• How many looked after children achieve at or above what they were predicted to achieve when they entered care (the value-added approach) and what aspirations do your schools have for them?
• How does your council encourage and support young people to continue in further and higher education?
• Do you know what they want to be when they grow up?

Too many children in care do not achieve their educational potential. Even allowing for the effect of trauma on children before they came into care, being in care has been shown to adversely affect children’s educational attainment. The UK Government’s Social Exclusion Report confirms that the major barriers to achievement continue to be:

• Lack of stability.
• Time out of school.
• Insufficient help with education, particularly catching up.
• Lack of proactive support and encouragement from carers.
• Insufficient help with their emotional, mental and physical health.

Any good parent will want their child to do well at school and to get the best start in life. As corporate parents, it is councillors’ responsibility to have the highest aspirations for children in the council’s care. Low expectation is one of the key barriers to educational success. Ensuring close co-operation between education and social services is crucial in this area of work.

Challenging negative attitudes to looked after children can be critical in changing their educational experiences and improving outcomes. These children are often vulnerable to bullying, particularly if they lack close friends in school, come from a different social class to the majority of pupils or appear to be less well off. Schools can play a major role in ensuring a safe and positive school environment. Pupils need careful induction into new schools and staff must be diligent to ensure no one is isolated or bullied. Welsh Assembly Government guidance issued in 2003 (‘Respecting Others’) should help schools and local authorities tackle bullying effectively and includes amongst other issues, the need for school-based
anti-bullying policies which take allegations and incidents seriously. It also emphasise the importance of schools developing an ethos where diversity is recognised and embraced.

There are many reasons why looked after children, particularly as they get older, may be at risk of being excluded from school. In the worst case scenario some schools use unofficial exclusion as a coping strategy for bad behaviour and in some instances truancy. As corporate parent you should track, monitor and challenge such actions by schools as this is unlawful and has a long term damaging effect on the child in terms of self-esteem, belonging and potential progress and can destabilise the child’s foster care or residential placement.

Exclusion should be seen as a very last resort. If ultimately the school considers there is no other option than to remove pupils from the school roll they must follow the requirements of the 2004 Welsh Assembly Government guidance regarding exclusion procedures. Arrangements for the future educational provision for the looked after child must be determined by the Looked After Children Education Co-ordinator in conjunction with the social worker in accordance with Welsh Assembly Government Inclusion and Pupil support guidance.

**Councillors who are school governors**

Councillors who are school governors have a key role in ensuring schools have high expectations of and focus on raising attainment standards for looked after children. Looked after children have said they want schools and authorities to believe in them and to have the same aspirations for what they can achieve as for other children. This is a key responsibility for Members as corporate parents.

At governing body monitoring meetings you should ask what strategies are in place for assisting looked after children in the school to do better. It may be particularly appropriate for councillor-governors to be the link governor for this issue, given your dual responsibilities as both governor and corporate parent.

Councils should expect local authority appointed governors to act as champions promoting the needs of children in care in schools and nurseries. Under the Children and Young Persons Act, every school will be required to have a designated member of staff who is well versed in education and children in care who has specific responsibility for looked after children. As a councillor-governor, you should monitor that these arrangements are always in place and monitor how well they are working.

Statutory guidance on Children and Young People’s Plans require local authorities to set out their policies for the provision of education for looked after children and to set appropriate local attainment targets for these pupils at Key Stage 4 (GCSE). The council must state the arrangements for monitoring their educational standards. Councils are also asked to provide an update on progress made to date in introducing Personal Educational Plans.
Key question 8 - What are their health needs and how are they being met?

Looked after children, especially those in residential units, tend to have more health problems than their peers, including higher rates of mental health problems, pregnancy, smoking and alcohol or drug misuse. One of the issues children in care feel most keenly about is not having someone to talk to in confidence about their health needs and concerns, particularly information about growing up. All looked after children in Wales should be offered a holistic health assessment which covers mental health and emotional needs as well as physical health. These assessments provide the opportunity to discuss the children’s health concerns and to offer advice on health promotion. Each looked after child should have an individual health plan that sets out their health needs and how they will be met.

The Welsh Assembly Government strengthened the regulatory framework in 2007 (Towards a Stable Life and a Brighter Future) by placing a duty on the National Health Service to appoint a specialist health practitioner to co-ordinate the child’s health care plan and address the health needs of looked after children. In addition, local authorities are required to ensure that looked after children are registered with a GP, have access to a dentist and that health assessments take place in accordance with statutory timescales and more frequently if necessary. Children’s homes are required to designate a link worker responsible for promoting the child’s health and education in liaison with key professionals.

Your authority should have arrangements in place to regularly review how it assesses the health of looked after children in a sensitive way and seeks to promote better health and wellbeing. As discussed earlier, it is important that your authority works in a joined up way with its health partners to ensure the health needs of looked after children are being given sufficient joint priority by the council and its National Health Service (NHS) partners, particularly in the development of the local health and wellbeing strategy. It should be part of the role of local authority Members with their NHS partners to ensure priority is given to child protection responsibilities and promoting looked after children’s health.

All councillors should know:

- How is your authority improving the health (including the mental health) of looked after children including those placed out of your authority area?
- How many have had health assessments?
- How many are registered with a GP and have access to a dentist?
- What is being done to improve the health of those who refuse to attend an assessment?
- Are you satisfied that the health needs of children placed in children’s homes are being adequately met, particularly those placed out of area?
- How many have got personal health plans and what is being done to achieve planned outcomes?
• How is your authority and its NHS partners ensuring that looked after children’s views are taken into account in health and wellbeing strategy development?

• Has your authority considered using the flexibilities in Section 31 of the Health and Social Care Act 2001 to pool budgets, fund or commission services jointly with the NHS?

• Is your authority discussing with its partners how to use powers in the Children Act 2004 to jointly fund projects across a wider range of local partners including police and probation as well as health services?

**Key question 9 - What advocacy or children’s rights services are available to looked after children?**

The importance of upholding the rights of looked after children and empowering them to have a voice in matters and decisions that affect their lives cannot be overestimated. Access to independent advocacy plays a part in safeguarding children and protecting them from harm and poor practice.

The Welsh Assembly Government is committed to extending advocacy services to all children and young people through a model which will include a new Integrated Specialist Advocacy Service (IAS) for vulnerable groups.

A key part of this will be a Free Advocacy Phone & Text service which will provide a single point of contact via telephone or text seven days a week for all children and young people. The service will provide a route for initial contact and advice for children and young people wherever they are in Wales.

• What advocacy services are available in your area for looked after children and are independent advocates available?

• What services are available for children who are Welsh speaking or whose first language is not English?

• How and when are looked after children informed about the availability of advocacy and how can they access the service?

• In what circumstances are they able to access these services?

• Does your authority fund a children’s rights service?

• Does your local authority have a dedicated children’s complaints officer?

• How are looked after children supported in making complaints against the authority or other local organisations including the health service?

Section 2.5 looks in more detail at mechanisms which encourage a dialogue between looked after children and the council and assist councillors to be aware of issues of concern for these children.
Key question 10 - What are their housing needs?

- Is there enough affordable housing for foster carers, and are levels of remuneration adequate for the cost of living locally?

- What support is there for care-leavers in finding and living in suitable accommodation, when needed?

- How many of your care-leavers are homeless?

- Are the particular needs of disabled young people leaving residential placement being met?

- What is your council doing to promote joint working between housing and social services and to ensure you fulfil your responsibilities in relation to care leavers’ housing needs?

- Does your council have a protocol between housing and children’s services?

- What provision is made to provide care leavers who are in higher education with suitable accommodation outside term time?

- Does your authority’s Supporting People Operational Plan reflect the needs of care leavers?

The next section looks in more detail at your responsibilities under the Children (Leaving Care) Act 2000 to provide a range of services and support and keep in touch with care leavers, including ensuring they have adequate accommodation. The National Homelessness Strategy identifies care leavers as a particularly vulnerable group and seeks to improve joint working between local authority housing and social services to ensure that both meet their statutory responsibilities to this vulnerable group.

Key question 11 - What support is there when they leave your care?

Most young people need care and support from their parents during the transition to independence when leaving home. This is even truer for care leavers who to varying degrees have had a disadvantaged start in life.

Providing the right support and assistance and staying in touch in the first few years of independence is part of your council’s corporate parenting responsibilities and a requirement under the Children (Leaving Care) Act 2000. Despite progress made under that Act, still too many looked after children are leaving care too early, before they are prepared and ready to leave. The Children and Young Persons Act 2008 strengthens current arrangements to ensure that young people are not forced out of care before they are prepared and ready to leave by giving them a greater say over moves to independent living and ensuring they receive the support they need for as long as they need it.

- Are you confident that your care leavers are leaving care when they are prepared and ready to leave?
• How many young people who left care at 16 are still in touch with their social worker, carer or other approved person at the age of 19?

• What sort of progress, for example in education, training, and employment, do young people make after they leave your authority’s care?

• How many of your care leavers are not in education, employment or training (NEET)?

• How does this compare with other young people in the area?

• How will they secure employment?

• How many care leavers does your council employ?

• How many work experience placements and apprenticeships does your council make available for care leavers?

• Do you provide assistance with the costs of education, training or employment for care leavers?

• How have the provisions of the Children (Leaving Care) Act 2000 been implemented in your area?

• Does your authority contribute to the Child Trust Funds of children in its care to give them an investment for their transition to adulthood?

The Welsh Assembly Government reimburses local authorities for top ups they make to the Child Trust Fund accounts of looked after children by £200 per year, per child. Local authorities are able to provide more from their own resources (up to the annual limit of £1,200) from their own resources and are encouraged to do so.

Care-leavers are over-represented in both the prison and homeless populations, indicating that spending time in care does not help prepare them for independent living when they leave. As a major local employer, the council can provide work related placements, apprenticeships and other employment and training opportunities to care-leavers, and councillors as corporate parents have a key responsibility in ensuring the council does so.

Local authorities should ensure there is proper planning and preparation in the run up to someone leaving care. Young people should stay in care until they are prepared and ready to leave. Each young person should have a pathway plan, setting out the preparation for independence and a personal adviser to act as mentor both before and after leaving care. In addition, authorities should help with the costs of education, training or employment if they need it. The Welsh Assembly Government will shortly consult on proposals to introduce a bursary for care leavers going on to higher education and to extend access to a personal advisor to all care leavers who haven’t achieved the qualifications they need by the age of 21, and to those young adults who request additional support up to 25.

Councils should aim to maximise the number of care leavers who are engaged in education, training or employment by the age of 19. You should monitor your council’s progress against these objectives with the overall aim of reducing the gap between care leavers and other young people in your area.
Key question 12 - How do you support them to develop responsibility and how do you promote positive behaviour?

- How many young people in care in your authority have been in trouble with the police? How does this compare with all young people?
- What support is available to carers concerned about a young person’s behaviour?
- Are there good relationships between children’s homes and the police locally?
- What activities are available so that children and young people can make positive use of their free time, e.g. access to leisure and youth services, out of school clubs?
- The proportion of young people in care who receive a final warning or conviction is three times higher nationally than for all young people.

2.2 Communications and information

To find out the answers to the key questions identified above, you need some basic information, which can be provided in a variety of ways – written or face-to-face briefings, an annual report, or opportunities to meet and hear directly from looked after children themselves. The Director of Social Services has some responsibilities to keep councillors informed about key data and performance management as well as other information affecting looked after children. This was identified as a vital component in improving safeguards by the North Wales Child Abuse (Waterhouse) Inquiry. Similarly, the Chief Education Officer has a role in keeping Members informed regarding education matters affecting looked after children.

2.3 Listening to children

Communications between children, their carers, the council and councillors can be complicated. There are issues of confidentiality and respect, and the needs and interests of the child must always come first. Personal contact between councillors and looked after children on an individual basis is not generally appropriate, although these children and young people have the same rights as any local resident to choose to contact or visit their ward councillor. It is particularly challenging to find appropriate ways to ensure the voices of very young children are heard and to develop effective dialogue with children in foster care.

On the other hand, some contact and communication is important, both for councillors and the children and young people themselves. For councillors it can help them understand why they must take their responsibilities seriously. For the children and young people, it is an opportunity to express their views and concerns directly to those with ultimate policy-making authority. The Lead Member for Children and Young People and the Lead Director of Children and Young People have a key role to play in ensuring that the views of children and young people are known and taken into account in service development and delivery.
Youth Forums exist in every local authority area with the aim of ensuring children and young people are able to participate in local authority service planning and Children and Young People’s Partnerships. School councils in primary and secondary schools similarly provide the opportunity for participation in decisions affecting the school while seeking to build pupil confidence and encourage active citizenship.

- What steps is your council taking to ensure it seeks the views of looked after children and to provide feedback to those involved?
- How good are your council’s arrangements for getting regular feedback about services and policies affecting looked after children?
- How well publicised are your complaints procedures?

Councillors should be aware of issues of concern to children. Children have raised a range of issues through both local and national consultation processes. These include simple requests about how they should be treated. Children also want information about new placements before they move and about the services available to them. They ask to be able to meet other children in care through groups, and to be able to keep in touch with extended family, old friends and old placements when they move. They also want to be listened to and to have a chance to express their opinions about being in care.

Local authorities need to consider ways in which councillors and the children in their council’s care can communicate with each other sensitively and appropriately. Ideas you could try include:

- An annual debate at full council, with presentations from groups of looked after children, foster carers and care-leavers on their experiences during the year.
- An annual awards ceremony to celebrate looked after children’s achievements at school during the year.
- Training delivered by young people for councillors on what is important to them and how to communicate.
- A newsletter from children and young people in the council’s care for councillors and other individuals and agencies.
- Meetings between lead members and young people and carers about issues chosen by the children and young people themselves, to their agenda.
- Inviting young people’s representatives to sit on relevant committees or working groups.
- Work with a voluntary sector partner, to provide an independent advocate and intermediary between children and the council.
3. The Executive Member as a good corporate parent

3.1 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.

3.2 Providing political leadership

Checklist

1. Have you ensured that there is clear political leadership and responsibility for children through one or more Executive Members taking lead responsibility for service delivery?

2. How do you make the links between the lead Member with responsibility for children’s partnership planning processes and other lead members with responsibility for children’s services?

3. Is corporate parenting considered collectively at your Executive, Board or Cabinet Meetings?

4. What contribution to partnership working is made by Executive Members?

5. What funding levels are allocated to children’s services and particularly to children’s social services?

6. What approach have you taken to the commissioning of appropriate levels and types of social services for children?

7. How do you take a lead in ensuring all Members are aware of their responsibilities for corporate parenting?

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.

Key attributes of councils identified as having strong leadership include:

- Clear strategic direction.
- Clear roles and responsibilities between councillors and officers.
- Decision-making on the basis of good information.
- Ambition to raise the standards of core services.
- Using resources to good effect.
- Openness to challenge and willingness to change direction.

### 3.3 Partnership working

All public services are increasingly being delivered through partnerships of different kinds, whether with other public sector bodies, or the private or voluntary sector. One of the roles for executive councillors is to play a leading role in these partnerships on behalf of their authority, rather than leaving this to chief officers as was traditionally the case. The active involvement of leading Members, as well as officers, in the Health Service is particularly vital to ensure that the needs and interests of looked after children and children in need are given sufficient priority in NHS planning.

Through the partnership planning processes described in paragraphs 1.2 and 3.5, strategic partners in Wales are encouraged and challenged to overcome the historic barriers to joint working, including developing new approaches to commissioning and jointly commissioning services. The powers in the Children Act 2004 which permit pooling of budgets with a much wider range of statutory partners, including police and probation, should be particularly helpful in encouraging innovation in the planning and provision of services designed to meet the needs of looked after children and care leavers.

There is a need, however, to challenge the setting up of ever increasing numbers of partnership boards, cross-agency working parties, multi-agency steering groups etc, not least to avoid overload on the participants. There is also a danger that the creation of new delivery mechanisms can create new barriers and obstacles to joined-up working rather than break down old ones. You should be satisfied that any decisions on structural change or new partnership arrangements have addressed whether such changes are in the best interests of vulnerable children and will they add value to the effective joining up of existing services and ways of working.

Sometimes it may be more a matter of ensuring effective “joining-up” of existing services and ways of working, rather than setting up new partnership structures. The key role that members can play is in making sure departments and agencies are talking to each other, particularly if a cross-cutting portfolio for all Children and Young People’s Services is adopted.
3.4 Planning

As Section 1.2 has demonstrated, Wales has a distinct approach to planning for children and young people that places emphasis on achieving a co-operative and holistic approach to mapping and meeting need. Statutory guidance on Partnerships and Plans provides for planning that is co-ordinated across the partner organisations that deliver services to children and young people locally. The Children and Young People’s Partnership in each area is responsible, comprising of the local authority, health services, other statutory bodies including police and probation, and the voluntary sector. Links to economic regeneration and 14-19 Learning Pathway networks and their impact on a holistic and inclusive approach to the interests of looked after children should not be overlooked.

The arrangements and duties on strategic partners are intended to ensure that effective cooperation takes place to improve outcomes for all children and young people across partner organisations and local authority departments. The lead Member and the lead officer are responsible not only for the effective engagement and co-operation between partners but also for ensuring effective joint planning.

Specific issues relating to the planning and prioritisation of services for looked after children should also be reflected as a subset of the health, social care and wellbeing strategy, agreed jointly between the local authority and NHS partners. Achieving a holistic local approach to children's planning is achieved by the Children and Young People's Plan as the single strategic statement of planning intent for all children and young people to which all other plans must refer, including health, social care and wellbeing strategies. The Children and Young People’s Plan in turn both informs and reflects the priorities set out in the local Community Strategy.

3.5 Cross-cutting portfolios

There are a number of opportunities for Members to contribute to better joined-up working through the use of themed or cross-cutting portfolios. For instance, portfolio holders with responsibility for children’s social services and those with responsibility for children's planning have a role in making links with other lead Members to ensure issues affecting looked after children and children in need are taken into account and prioritised in all Executive Members’ areas of responsibility. It is also important that the Cabinet, Executive or Board has the opportunity to look at issues affecting children across the board, particularly the links between social services, education, leisure and transport policies, whatever managerial structures are in place in your authority.

3.6 Funding, setting Priorities and Commissioning

Ensuring a political priority for children across the council is a key task for both the lead Members with responsibility for the delivery of children’s services and the Member with responsibility for children’s planning under the 2004 Children’s Act. When funding is required to be attached to this, difficult decisions can follow, but making a case to colleagues for necessary extra funding is one of the roles of Executive Members. It is, however, also true that funding levels do not appear to be
necessarily correlated to service outcomes, as a comparison between Joint Review assessments and authorities’ levels of spending above or below SSA shows.

3.7 Placement Choice

Local authorities need to commission a range of placements in order to offer looked after children the best possible match. The Children and Young Persons Act 2008 includes a general duty on local authorities to take steps to secure sufficient accommodation to meet the needs of looked after children within their area. Strategic commissioning plans should be based on an assessment of current need and should also anticipate what placements are likely to be needed in the future. The strategic commissioning plan should guide the planning and development of local authorities’ in-house services and also help local authorities to commission the right placements from external providers. Commissioning placements in this way should help local authorities enter into joint commissioning and consortia arrangements, reduce unnecessary out of authority placements, and make the best use of residential care.

Effective commissioning involves market development which requires commissioners to work in closer partnership with service providers. It is essential that commissioning strategies are based on accurate assessments of population need and that commissioners, once services have been commissioned, take reasonable steps to make sure that placements meet the needs of individual looked after children. Quality assurance needs to have a central role within children’s placement services, and lead Members have a responsibility to drive up service standards in this area.

The local authority should make full use of the Children’s Commissioning Support Resource (CCSR) the all Wales cross sector database of placement provision to make individual placements with a better matching of need.

4. Being a good corporate parent - The role of Scrutiny

4.1 Asking the questions

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”. (See Resource File 1.)

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”.

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4.2 Checklist

1. What kind of scrutiny structure and process does your authority need to help fulfil your corporate parenting responsibilities? Does your present structure help you do this?

2. Have all members in your authority had the opportunity to gain answers to the key questions for councillors in the earlier sections and checklists? If not, who is responsible for this and can you call them to account?

3. What are the key issues that are of most concern to looked after children in your area? If you are not sure, have you considered commissioning a survey or inviting a group of looked after children to a scrutiny meeting?

4. Have you had a recent external inspection which required an action plan, which the executive should be implementing and which Scrutiny could monitor?

5. How is your authority, through the relationship between the leadership of the council and its NHS partners or through the community strategy process, scrutinising and monitoring how the health needs of looked after children are being met?

6. How do you monitor the educational achievements of the children who are in your care?

7. How do you monitor if young people in your care are getting into trouble with the police?

8. How do you monitor whether looked after children’s, particularly care leavers’ housing needs are being met either by your own housing services or other providers such as housing associations?

Looked after children have a range of health needs and problems, including the fact that they often lack people to talk to in confidence about their health, personal development and anxieties. One area scrutiny committees could address is the Child and Adolescent Mental Health Services available in their area because of the high levels of need and difficulties with accessing preventative services.

4.3 Key features of effective overview and scrutiny

The Centre for Public Scrutiny (CfPS) has outlined four principles of effective scrutiny, which propose that ‘good scrutiny’:

1. Provides “critical friend” challenge to executive policy-makers and decision makers.

2. Enables the voice and concerns of the public and its communities.
3. Is carried out by “independent minded governors” who lead and own the scrutiny process.

4. Drives improvement in public services.

see http://www.cfps.org.uk/index.php/awards/judging for further details

**The 7 Success Factors of Effective Scrutiny**

- Secure genuine commitment, involvement and participation by all Members, Officers and Partners
- Get the right outcomes and impact
- Focus on the right things
- Organise what you do
- Get the right level of support
- Keep learning and improving
- Secure independent and objective perspectives


The effectiveness of each factor depends on the effectiveness of the previous factor. Effective scrutiny is achieved only when all seven factors are effective. But this cycle is fragile and could easily break without appropriate reinforcement and commitment to making is work.

Corporate Parents will be most effective in scrutinising services for looked after children where:

- There is a focus on improving outcomes for looked after children and care leavers.
• Children, young people, parents and carers are involved.
• There is clear alignment between priorities outlined in the children and young people’s plan and priorities identified for scrutiny.
• It is possible to demonstrate the impact of scrutiny on improving services, contributing to value for money and or improving outcomes.
• Partner agencies are involved in the scrutiny process.

There should be clarity about roles and responsibilities and good communication between the Lead Director for Children’s Services, the Lead Member for Children and Young People’s services and the relevant scrutiny committee with responsibility for scrutinising children’s services. It might be helpful to develop written protocols.

In general, scrutiny will work best when:

• It is independent.
• It is robust, rigorous and challenging.
• Backbench councillors are fully engaged with the scrutiny process.
• There is a positive culture which supports and promotes scrutiny.
• Looked after children and care leavers and their carers are involved.
• The purpose of scrutiny is clear and widely understood.
• It is possible to demonstrate the added value of the scrutiny process.
• There are creative ways of monitoring the performance of services.
• Every scrutiny review is reported to full council.
• There is a comprehensive training and member development programme.

4.4 On-going service monitoring and scrutiny

You may feel that you need to monitor services for looked after children on a continuous, on-going basis. You 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.

• How do you prevent monitoring becoming purely reactive and passive?

Members should always challenge why they are being provided with information and ask themselves and their officers what the information is telling them. There is a need to prioritise and to set the key indicators and targets for your priorities, and monitor these on the most regular basis; issues of lesser concern can be reported on less frequently, for example through a six-monthly or even annual review. The key to actively determining which issues should be priorities for monitoring is to seek regular feedback from
looked after children themselves as well as from foster carers and other relevant organisations and use this to drive your scrutiny work in this area.

- **How do you ensure that this work does not just become the responsibility of members of the scrutiny committee that covers social services?**

There is a danger that monitoring information about looked after children could either take over that committee’s agenda or – more damagingly – limit the issues covered to those in social services alone.

There are several different approaches you could take to avoid these two dangers:

- Setting up a sub-committee of a main scrutiny committee to monitor specific corporate parenting concerns on their behalf.
- Taking a cross-cutting or themed approach to all scrutiny committees, so that all children and young people’s issues are considered together.
- In some authorities, this kind of on-going monitoring is shared jointly between the executive and scrutiny functions.
Resource File 1

Policy and Leadership

Legal and policy framework governing services for children


See: www.hri.org/docs and click on Treaties, Conventions and International Organisations on the opening page to find the full text of the Convention.

Leadership at national level

Wales has a Minister for Children and a Cabinet Committee for Children and Young People, which ensures that children's issues are given a high priority on the government's political agenda. The Assembly Government also has officials groups at senior and operational levels that support Ministers in ensuring an integrated approach is taken to policy and legislative development across all areas that impact on children and young people.

Relevant Legislation

The Children Act 1989

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

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

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.

See http://www.legislation.hmso.gov.uk/ see as above, the text of the Adoption and Children Act is listed under 2002.

The Children Act 2004

The Act established Children and Young People’s Partnerships and Children and Young People’s Plans as a statutory requirement and placed a duty on local authority and key partner agencies to co-operate. Each local authority is required to designate a lead director and lead member for children and young people’s services.

Local authorities are required to set up Local Safeguarding Children Boards with representatives from partner agencies. The Act makes provision for the sharing of information between agencies for the purposes of child protection and places a duty on local authorities to promote the education of looked after children.


The Children and Young Persons Act 2008

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 which will take place in 2009.

See http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080023_en.pdf for full text of
act.

**Legislative Competence Order on Vulnerable Children and Child Poverty**

The Legislative Competence Order (LCO) on Vulnerable Children and Child Poverty
was approved by both Houses of Parliament on 12 November 2008. The LCO
confers on the National Assembly for Wales greater powers to legislate for
vulnerable children and young people in Wales.

**Children First and other Assembly Guidance**

**Children First**

The Children First Programme ran from April 1999 to March 2007. The aim of the
programme was to transform the management and delivery of social services for
children to promote their welfare; protect them from abuse or neglect; improve their
health and well-being; and raise standards of educational achievement. Substantial
resources were allocated to the programme, over £250 million over its lifetime.

**Fulfilled Lives, Supportive Communities**

The Welsh Assembly Government’s 10 year strategy for social services places a
strong focus on the importance of strong professional leadership, management and
accountability of social services in local government.

**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.

See: http://www.learning.wales.gov.uk and click on list of publications in left hand
column to find this circular.

**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.

**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.

"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."

"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:

- 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.

**Children's Commissioner for Wales**

The first statutory independent Children's Commissioner for Wales was appointed on 1 March 2001. The Children's Commissioner has powers to review the effects of policies and the delivery of services, to children and young people in Wales and acts as a champion for their rights and welfare. His remit includes ensuring that children and young people are safe from harm and abuse, are respected and valued; receive the life chances that they deserve and know about their rights under the
UN Convention. Although the Commissioner’s remit usually only extend to people aged 18 or under, he has the power to act in relation to older young people in certain circumstances including those who have been in the care of a local authority.

See: http://www.childcom.org.uk
Resource File 2

References and sources of further Information

ADSS 2002: Tomorrow’s Children, Association of Directors of Social Services, August 2002

Hutt 2000: Personal Letter to Councillors in Wales from Jane Hutt

Thomas 2008: Personal Letter to Councillors in Wales from Gwenda Thomas

Audit Commission Joint Reviews of Social Services Departments in Wales can be found on the Audit Commission's website, at: http://www.audit-commission.gov.uk

Audit Commission Pathways to Improved Social Services in Wales – The Second overview report of joint reviews in Wales 2001-2


Michael 1999: Personal Letter from Alun Michael, MP to all councillors in Wales, 8 April 1999

Nacro 2003: Reducing offending by looked after children, A good practice guide

National Assembly for Wales Circular 2/2001 - Guidance on the Education of Children Looked After by Local Authorities

Thomas 2008, Personal letter from Gwenda Thomas, Deputy Minister for Social Services to Elected Members September 2008


Welsh Assembly Government 2001 - Framework for the Assessment of Children in Need and their Families

Welsh Assembly Government 2003 - National Standards for the Provision of Children’s Advocacy Services

Welsh Assembly Government 2004 - Children and Young People: Rights to Action


Welsh Assembly Government Circular 1/2004 – Exclusion from Schools and Pupil Referral Units

Welsh Assembly Government Circular 23/2003: Respecting Others


Welsh Assembly Government 2007: Towards a Stable Life and a Brighter Future

National Statistics on children who are looked after and those who have recently left care can be accessed at: http://dissemination.dataunitwales.gov.uk/webview/