

Briefing Note of:	Charlotte Benjamin - Director of Legal and Governance Services Executive Member – Cllr Chris Hobson
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Provided to:	Corporate Affairs and Audit Committee 7 th December 2020
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Subject:	Update in regards to Legal Services response to Ofsted Inspection of children's social care services
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Summary

Purpose of the Briefing
To provide a briefing to the Committee giving an update on Legal Services assisting in the response to the Ofsted Inspection of children's social care services

Background

1. Further to the Ofsted report of their Inspection of children's social care services (25th November 2019 to 6th December 2019), a briefing note was prepared for a meeting of this committee on 5th March 2020.
2. The briefing note set out the plan going forward for Legal Services to assist in the response to Ofsted Inspection of children's social care services. The purpose of this note is to provide an update in regards to the progress.
3. The issues in relation to capacity remain, with case numbers continuing to remain at a significantly high level. The impact of this has meant that progress in regards to making the changes has not been as effective as we would have hoped.
4. In addition to this, we have had the impact of Covid and this has changed the way that we work drastically, with most court hearings now being done remotely, either by telephone or the Court Video Platform. This has been a huge learning curve for the team and has taken some time to have to adapt the service to the new normal.
5. As set out in the previous report, a business case seeking additional resources in order to manage demand and to respond effectively to the issues raised by Ofsted was approved, adding an additional four Solicitors to the team, with an initial fixed term contract of two years to support the Ofsted improvement work.
6. There were already two FTE vacancies in the Children's Team, one of which was covered by a locum Solicitor, so we were looking to recruit 6 Solicitors.
7. We successfully recruited one permanent Solicitor for the Childrens Team in June 2020. This was a particular success as it was part of our Grown Your Own strategy

as the postholder had previously worked as a Legal Assistant, progressing to a Trainee Solicitor, and then to Solicitor.

8. Unfortunately, although there has been a 'rolling advert' for a Solicitor/Chartered Legal Executive since July 2020, we have been unsuccessful in any further recruitment to the Solicitor/Legal Executive post.
9. Notwithstanding the 4 additional fixed term contract Solicitors, the current structure in legal has 4.4FTE Fee earner posts. Two of these posts are currently covered by Locum Solicitors, 1.0FTE post which is vacant, and one 0.8FTE post which cannot currently be recruited to as the substantive postholder is in an interim position. This brings with it an added budget pressure, therefore recruitment is continuing for those permanent posts.
10. Discussions are ongoing with HR as to how we can successfully recruit, including consideration being given to a recruitment specialist.

A number of actions have already been taken:-

Rolling advert including video from the Principal for Legal (People)
Changed the way we look to recruit - now accept CVs
Amended essential criteria so not looking for someone with specific number of Post Qualifying Experience years
Paid to advertise externally
Sourcing a recruitment specialist.
Consideration of if the Recruitment and Retention policy could be applied

11. Based on the current staffing of 4.4FTE fee earners, plus the trainee Solicitor, the team could effectively manage around 75 active care cases. The current active care cases are 135. This has led to a number of cases being outsourced to a local Childrens Solicitors firm as outlined in March. We are currently considering the options for the longer term plan as to how we manage to increase capacity given unsuccessful recruitment.
12. As there is some difficulty in recruiting Solicitors, we have carried out an exercise in looking nationally at how similar services are set out. As part of this exercise, the role of a Court Progression Manager (CPM) has been identified.
13. The CPM will sit within the Legal Services childrens team and will act as the lead officer, working closely with Legal and Children's services, to ensure the timely progression of cases in family court proceedings. The creation of the post follows an identified need through the Ofsted improvement work to improve the quality and timeliness of matters that are in Court and is in line with the strategic priorities. The postholder will also have a significant contribution to improving the quality of social work assessments and plans. This is a role that is fully supported by Childrens Services.
14. As this is a new role to this council, the job description and person specification have had to be drafted and then put through the job evaluation process. Childrens Services and Legal are working closely to finalise the details and we hope to be in a position to advertise the role at the end of the year/early next year. This is seen as a key part of making improvements in this area.

15. Since the last report legal have contributed to the improvement journey for Children's Services in a number of ways, both strategically and operationally.
16. The Principal for Legal (People) now sits on the Childrens Services DMT meetings, both care and education, meaning early involvement and input into any strategies from a legal perspective, providing support, highlighting possible impacts, and contributing to improvement strategies.
17. There is also a regular monthly meeting between the Principal for Legal (People) and the Director of Childrens Care to look at issues/ risks and consider any early action required.
18. We have worked on building relationships with the Judiciary, and in particular the Designated Family Judge for Teesside HHJ Matthews QC. There has been regular communication between the Principal for Legal (People) and HHJM Matthews QC. This is particularly effective when we are seeking input into ongoing projects, such as the Innovate Project, involving the judiciary at the earliest stage so that their views can be taken into account.
19. The Principal for Legal (People) regularly sits on the Local Family Justice Board and is an active contributor to discussions. A number of sub-groups have also been developed, the latest one being to set up a Working Group to consider the reasons for the increase in Children at home on Care Orders. Middlesbrough have volunteered to be one of the leads on this group due to this being an issue for Middlesbrough, and the area of care planning being highlighted by Ofsted within their inspection report.
20. Audits have been carried out on a sample number of cases across legal and feedback has been given to the team about improvements, with a view to achieving a standard and consistent practice across the board. This is monitored across monthly individual 1 to 1 sessions between the team member and team manager.
21. There has been a review of the Terms of Reference for the Legal Gateway panel, concentrating only on the pertinent issues where approval is needed, and referring the case planning issues back to Childrens Services, improving efficiency and reducing the time taken at panel by around 50%. PLO cases re now monitored more closely through panel, leading to the early identification of and response to risk, particularly in relation to long-standing concerns of chronic neglect and wider exploitation.
22. The Principal for People (Legal) has delivered training as part of the AYSE programme, delivering three sessions for the current cohort focusing on the timeliness and effectiveness of pre-proceedings and care proceedings work, including the quality of contingency planning. Further sessions are planned for the next cohort in early 2021, with it being anticipated that this will be an ongoing part of the training programme. Feedback in relation to the sessions has been positive.
23. Legal Planning Meetings have been introduced at a key junction of the care cases, which is 4 weeks before final evidence is due to be filed. The planning meeting is held between legal, SW and TM and is a routine part of the process where outcomes of assessments can be considered and a final plan formulated, with legal giving advice about appropriate orders and possible gaps in evidence.

24. Legal services have worked jointly with Children's Services to develop the legal tracker, which is the data that we hold about active care cases. This is now able to be accessed by Childrens Services Heads of Service and gives them the ability to look at what cases they have in Court, key dates, number of weeks since issue etc. at any given time. It's a tool that is also used by the Judiciary as a snapshot of the cases is sent to them on a fortnightly basis and is used to robustly case manage the cases and to avoid delay where possible.
25. There is a clear escalation process in place for issues of challenge, it first being raised to the Head of Legal (People), then to Head of Service/Director where appropriate. Early intervention has meant that issues of challenge, for example in regards to decisions about care planning or risk management, are identified early and appropriate action can be taken.
26. All of the above actions are part of the improvement plan and are tracked via the strategic improvement board, therefore there is robust monitoring of the actions and the progress that is being made.
27. With this in mind, and with the assurance that appropriate governance processes are in place, can we suggest that further oversight by CAAC is no longer required.

Appendices

None.

Background papers

No background papers were used in the preparation of this report.

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