

Briefing Note of:	Charlotte Benjamin - Director of Legal and Governance Services Executive Member – Cllr Chris Hobson
Provided to:	Corporate Affairs and Audit Committee 29 th April 2021
Subject:	Update in regards to Legal Services progress in response to Ofsted Inspection of children's social care services

Summary

Purpose of the Briefing
To provide a briefing to the Committee giving an update on Legal Services 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 response to the Ofsted Inspection of children's social care services. The purpose of this note is to provide an update in regards to the progress. A previous update was provided to this committee in December 2020.
3. The issues in relation to capacity remain, with case numbers continuing to remain at a high level. However, the numbers have decreased, with care cases currently at around 100, compared to 140 in December. At this stage we are not clear around the reason for the decrease as there has been a number of contributing factors, including changes to gateway panel, a more effective use of the PLO process, and Court increasing their hearings further to the covid issues, meaning more cases have concluded.
4. In terms of the resources to meet this demand, there have been some changes to the team since the last update.
5. The role of the Principal Legal Executive (People) has been changed to Head of Legal Services (People) and the interim postholder applied and was successful in securing the permanent position, bringing some stability to the team.

6. Further to the rolling advert for two permanent Solicitors, which has been live since July 2020, we have successfully recruited to these posts, with the new postholders due to start in March and April 21 further to the end of their notice period. These are good additions to the team, with a mix of qualities to bring to the role and to the team. This also means that we are able to end the contracts for the locum members of staff currently fulfilling their role, therefore reducing the pressure on the budget.
7. One of our permanent Solicitors is leaving us for another employer. A contributing factor is that due to the working from home adaptations that we and other employers have made people are able to consider positions outside of their normal geographical area. This can of course also work to our advantage and we are considering ways to make a post within Middlesbrough more attractive to a wider area as part of our recruitment and retention considerations.
8. In the interim, this post will be filled by one of the Trainee Solicitors whom has already completed her training 'seat' within the childrens team and therefore already has experience of the role. This trainee is due to qualify as a Solicitor in July/August this year and it is intended that the advert for the role will coincide with this period so that they are able to apply, therefore contributing to our 'Grow your Own' strategy. We have considered going out immediately to advert, but with the recruitment and notice period we could not have anyone in post sooner in any event.
9. We also have one Legal Assistant vacancy, for which we are currently recruiting. We have had no issues in the past recruiting to this post.
10. We have recently interviewed for the Court Progression Manager (CPM) that 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. We have offered the role to the successful candidate and at the time of writing are awaiting confirmation of acceptance. This role is a key part of the contribution to the improvement journey.
11. Based on the current staffing of 4.6FTE fee earners, plus the trainee Solicitor, the team could effectively manage around 75 active care cases. As the current active care cases are above this, we continue to have a number of cases being outsourced to a local Childrens Solicitors firm. We have recently been through a procurement process in order to ensure best value for this for the upcoming 21/22 financial year.
12. It is not the intention that this outsourcing continue long term, therefore there is a legal services review taking place to look at how we can better resource the service to meet the demands, and how we can better use our resources to the best advantage. The timescale for the completion of the review is July.
13. Since the last report legal have continued to contribute to the improvement journey for Children's Services in a number of ways, both strategically and operationally.
14. Further to the sample audits taking place, a decision was made to carry out monthly audits, with feedback continuing via the 1 to 1 sessions between individual team members and the Head of Legal Services with the objective to achieve a standard

and consistent practice across the board. This has seen an improvement in our practice, for example making sure that outcomes of hearings are communicated clearly to Social Workers so that they fully understand what is expected of them and by when.

15. The Head of Legal Services has been one of the leads in a project undertaken by a subsidiary of the Local Family Justice Boards, which was tasked at looking at Care Orders at home as this region is an outlier in terms of the care order at home numbers. This project took place by way of holding some working groups across a number of Local Authorities and their partner agencies to look at the reasons for this, and how we can change this. The feedback has been extremely positive and the leads will feedback to the Local Family Justice Board, and to the local Children's Services, about the learning points.

16. In March 2021 the report 'Recommendations to achieve best practice in the child protection and family justice systems' was published, by the Public Law Working Group. The PLWG was formed, prior to the COVID-19 pandemic, to investigate the steep rise in public law cases coming to the Family Court and to offer recommendations for improving the system's ability to address the needs of the children and families. The report has clear implications on the way that we work, both across Children's Care and within legal, with a number of themes highlighted.

17. The President of the Family Division was clear that he expects to see the changes implemented by July 2021. He particularly highlighted that the changes, guidance, templates, will be of particular use to services that are looking to improve their practice. In response to the report, and to the timescales set, a working group has been set up between legal and Children's services to look at:-

- Setting out the timescales – what can we implement straight away, what needs more thought/development
- Roll out of the templates/guidance
- How to amend our processes to include the new ways of working
- Culture changes

This evidences the improved working relationship between childrens and legal services and a push to work collaboratively to resolve the challenges.

Appendices

None.

Background papers

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

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