

Briefing note of:	Charlotte Benjamin - Director of Legal and Governance Services Executive Member – Cllr Barrie Cooper
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Provided to:	Corporate Affairs and Audit Committee 25 th November 2021
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Subject:	Update in regards to Legal Services progress in response to Ofsted Inspection of children’s social care services
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Summary

Proposed decision(s)
No decision required. Report is 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

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Information.	No	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
N/A	N/A	N/A

Ward(s) affected
N/A

What is the purpose of this report?

Report is 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

Why does this report require a Member decision?

No decision required. The report is for information only.

Report 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 and April 2021.
3. Following on from the decrease in case levels that we saw in the April report, the case levels have continued to fall, with care cases currently at around 70, which is half of the cases we had at this time last year. Again, there has been a number of contributing factors, including changes to gateway panel, a more effective use of the Public Law Outline (PLO) process, and Court increasing their hearings further to the covid issues, meaning more cases have concluded¹ .
4. In terms of the resources to meet the ongoing demand, there have been some changes to the team since the last update following the completion of the legal services review which came into effect at the start of October 2021.
5. The service review added an additional Legal Assistant post, for which we have been out to advert and recruited to the post, with the successful candidate starting on the 8th November 2021.
6. There was also an additional two solicitor posts created, for which the advert is currently live. Historically these have been hard to fill posts but given the success of our last recruitment, we are hopeful that the advert and recruitment drive will attract the right level of candidate.
7. The legal services review has introduced the role of a Senior Lawyer to lead the children's team and be the specialist lawyer and first point of contact for the team and for the client department. This allows the Head of Legal (People) more time to be involved in the strategic discussions and projects that support the improvement journey.
8. By way of general team update, we had two permanent Solicitors start in March and April 2021. The appointment to these roles have been a great success, and the feedback from both our internal partners, and external, has been unanimously positive. In particular, at a meeting with HHJ Matthews QC, the Designated Family Judge for Teesside on Tuesday 26th October 2021, HHJ Matthews QC stated that there had been a 'huge difference with the new lawyers', namely being more responsive to issues, filing orders in timescales etc, and that she was pleased with the improvements made by legal to date.

¹ Gateway Panel is where decisions are made as to whether or not to issue proceedings in regards to a child. It is attended by representatives of childrens services and legal. The PLO process refers to the pre-proceedings process that is followed before proceedings are issued where there is a period of support and assessment.

9. The Court Progression Manager (CPM) has now been in post for five months. As a reminder, this is a post that sits within the Legal Services children's team and acts as the lead officer, liaising between w Legal Services and Children's services, to ensure the timely progression of cases in family court proceedings. This role is a key part of the contribution to the improvement journey.
10. As this is a new role, the first three months in post were spent building internal and external relationships and gaining an understanding of what the issues were that prevent timely progression. This has led to some joint objectives being developed between children's services and legal, both looking at moving cases through proceedings and the outcomes, and the quality of evidence being drafted. A performance scorecard to track the improvements has been developed and is shared on a monthly basis with Children's Services.
11. Again this new role has been recognised both internally and externally as a great addition to the team, particularly with Cafcass, and with HHJ Matthews QC who was pleased to learn that this was a permanent post rather than temporary, and commented that this had been a 'good appointment'.
12. As was set out in the last update, we had been through a procurement process in order to ensure best value for the outsourcing of some cases to local Childrens Solicitors firm for the 21/22 financial year. This was based on the high levels of care cases that we had at that time.
13. It was not the intention that this outsourcing continue long term, and this was twin tracked with other projects to look at how we can better resource the service to meet the demands, including the legal services review as above.
14. The intention was that there would be up to 100 cases outsourced as part of the procurement project. This came into effect in April 2021, and in the first six months, a total of 13 cases have been outsourced, with none since July 2021. This is due to the positive impact of other strategies, including the reduction of care cases.
15. Since the last report legal services have continued to contribute to the improvement journey for Children's Services in a number of ways, both strategically and operationally.
16. Monthly audits have continued as part of the 1:1 sessions between the team members and their managers. This has seen an improvement in our practice, for example making sure that the legal planning meetings are taking place approx. 2-3 weeks before final evidence is due in a case, which will identify any issues at the earliest opportunity.
17. Further to the 'Care Order at home' work that was completed, the Head of Legal Services has been one of the leads in another project undertaken by a subsidiary of the Local Family Justice Boards, which was tasked at looking at a response into the 'Born Into Care' Paper which was published by the Nuffield Family Justice Observatory.

18. The report provided evidence over the period 2012-2020 about the number of newborn babies and infants in care proceedings in England and Wales, as well as the frequency of urgent hearings in those cases. Again the North East region was identified as being an outlier in terms of care proceedings being issued within the first 7 days of a child being born.

19. 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 the trends that emerged from the paper, and how we can improve our practice in this area. We also conducted some audits across some sample cases, which were subsequently reviewed by Cafcass, to consider whether the action taken at the time was the correct plan with the benefit of hindsight. 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.

20. Work has continued on the response to the March 2021 Public Law Working Group report 'Recommendations to achieve best practice in the child protection and family justice systems'. This has been a joint piece of work which has involved using the self-analysis tool to look at where we are as a Local Authority, and where we need to be. Some immediate changes have been made, with the longer term actions now being put into an action plan so that progress can be monitored.

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

21. The committee is asked to note the contents of this report and the continued progress being made by legal as part of the improvement journey.

What decision(s) are being asked for?

No decision required. Report is 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.

Why is this being recommended?

N/A.

Other potential decisions and why these have not been recommended

N/A.

Impact(s) of recommended decision(s)

N/A.

Legal

N/A.

Financial

N/A.

Policy Framework

N/A.

Equality and Diversity

N/A.

Risk

N/A.

Actions to be taken to implement the decision(s)

N/A.

Appendices

None

Background papers

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

Contact: Ann-Marie Wilson (Head of Legal Services – People)

Email: annmarie_wilson@middlesbrough.gov.uk