

Meeting	Safeguarding Overview and Scrutiny Committee
Date	10 April 2014
<b>Subject</b>	<b>Adoption Annual Report:</b> 2nd Annual Report March 2014
Report of	Cabinet Member for Education, Children and Families
Summary of Report	This report contains the Adoption Service Annual Report 2013/14.

Officer Contributors	Debbie Gabriel, Service Manager, Provider services
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Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Safeguarding Overview and Scrutiny Committee
Enclosures	Appendix A: Annual Adoption Report 2013/14
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## **1. RECOMMENDATION**

- 1.1 That the Safeguarding Overview and Scrutiny Committee note the Annual Adoption Service Report and make appropriate comments and or/recommendations to the Cabinet Member for Education, Children and Families.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 A report titled 'Barnet's adoption service performance in light of the government report further action on adoption – finding more loving homes' was submitted to the Budget and Performance Overview and Scrutiny Committee on the 7 March 2013. This report gave an overview of the adoption reform agenda, and the scorecard data that led to the visit from the DfE.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Implementing the "Further Action on Adoption: Finding More Loving Homes" agenda published by Government in January 2013 supports the delivery of the following corporate priority.
- 3.2 The Adoption Service in Barnet is underpinned by the 2013 Corporate Plan's strategic objective to "support families and individuals that need it – promoting independence, learning and well being." The Corporate Plan's outcome to "create better life chances for children and young people across the borough" is the driver for striving for excellent Adoption Services in Barnet.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 A failure to keep children safe represents not only a significant risk to residents but also to the reputation of the Council. Failure to keep children safe is identified as a key risk in Children's Service. Although safeguarding must be the concern of all agencies working with children, the Local Authority is the lead agency for safeguarding children. As such, both members and senior officers carry a level of accountability for safeguarding practice in Barnet. Governance structures are in place to ensure that other lead stakeholders, including health and the police, are represented to ensure that practice across the partnership meets safeguarding requirements.
- 4.2 The local authority must ensure that it fulfils its functions as corporate parents to make timely decisions regarding permanence planning for those children who cannot remain in the care of their parents or be placed with other family members. Services must be of a high quality and produce the best outcomes for children.
- 4.3 If timeliness is not improved children will remain in local authority care for longer, increasing the likelihood of reduced outcomes for the children, increased expense for the local authority and potentially compromising the prospect of identifying an appropriate adoptive family for the child.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Equality and diversity issues are a mandatory consideration in decision-making in the Council pursuant to s149 of the Equality Act 2010. This means the Council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function. The broad purpose of this duty is to integrate considerations of equality and good relations into day to day business requiring equality considerations to be reflected into the design of policies and the delivery of services and for these to be kept under review.

S149 states that a public body must have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 The Adoption Reform Grant for 2012/13 is in two parts; for Barnet, part A is a £798k non-ring fenced grant with no time limit stipulation on the period in which it has to be spent, it is anticipated that it will be within 2 years. Local Authorities can use this to drive forward adoption reform, targeting funding at the entire adoption process and the specialist support children need; part B is a one off £195k ring-fenced grant that LA's are required to spend on adoption services with a clear focus on increasing the number of adopters.

## **7. LEGAL ISSUES**

- 7.1 Parts 3, 4 and 5 of the Children Act 1989 (CA 1989) together with statutory guidance place various statutory duties upon local authorities including the general duty to safeguard and promote the welfare of all children within their area who are in need. In cases where children are found to be at risk of significant harm as set out in s31 the CA 1989, the Local Authority has a clear legal duty to take steps to protect them by invoking the powers contained in Part 4 of the CA 1989. Upon being satisfied that the relevant criteria are met

and that an Order is necessary for the protection of the child, the Court may grant an interim care or supervision order as an interim measure when care proceedings are commenced.

- 7.2 An interim care order (placing the child in the care of the Local Authority) will give the Local Authority parental responsibility whereas an interim supervision order will put the child under the supervision of the Local Authority. At the conclusion of the proceedings the court will determine whether a final care or supervision order should be made. Children can also become looked after under section 20 of the Act without court direction.
- 7.3 The local authority has a statutory duty pursuant to the Adoption and Children Act 2002 and Adoption Agencies Regulations 2005, and National Minimum Standards to offer a range of services to meet the needs of; children requiring adoption, prospective adopters, adopted adults and birth family members.
- 7.4 The Children Act 2004 (CA 2004) provides the legislative framework for integrated planning, commissioning and delivery of children's services and for lines of accountability through the appointment of directors of all Children's Services. It created a statutory framework for local co-operation between local authorities, key partner agencies (health, police, schools, housing, early years, youth justice, probation etc) and other relevant bodies including the voluntary and community sector, in order to improve the wellbeing of children in the area. This provided for the framework for Children's Trusts within which agencies have been able to integrate commissioning and delivery of children's services with arrangements for pooled budgets. Barnet has chosen to keep a Children's Trust Board and to publish a Children and Young People Plan each year. The Act also imposes a duty on the relevant agencies to carry out their functions having regard to the need to safeguard and promote the welfare of children and to guidance provided by the Secretary of State. The duty continues to apply where services are contracted out.
- 7.5 In addition, sections 18 and 19 of the CA 2004 impose a duty on the children's services authority to appoint a director of children's services (DCS) and a lead member for children's services (LMCS) respectively for the purposes of the functions conferred on or exercisable by the authority as prescribed by statute.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 The scope of Overview and Scrutiny committees is contained within Part 2, Article 6 of the Constitution. The Terms of Reference of the Overview and Scrutiny Committees are in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).
- 8.2 Council Constitution, Overview and Scrutiny Procedure Rules – the Safeguarding Overview and Scrutiny Committee has responsibility to:
- scrutinise the Council and its partners in the discharge of statutory duties in relation to safeguarding; and
  - scrutinise the Council's procedures in relation to the protection of children.

**9. BACKGROUND INFORMATION**

9.1 An Annual Adoption Report has been prepared to provide an overview of the work of the service to elected members, please see Appendix A.

**10. LIST OF BACKGROUND PAPERS**

10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>A.D</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>L.C</b>