

Meeting	Safeguarding Overview and Scrutiny Committee
Date	14 April 2014
Subject	Fostering Annual Report
Report of	Cabinet Member for Education, Children and Families
Summary of Report	This report contains the first Fostering Annual Report.

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

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

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Fostering Service is part of Family Services, service delivery 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 Corporate Parenting 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 children and young people who are looked after by the council to whom Barnet owe a duty of care. Services must be of a high quality and produce the best outcomes for children.

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 requires a public body to 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).
- 7) 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 None in the context of this report.

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 of 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 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.

7.6 Fostering Services operate within the The Fostering Services (England) Regulations 2011, associated Statutory Guidance and the National Minimum Standards

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 Fostering 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.

Cleared by Finance (Officer's initials)	A.D
Cleared by Legal (Officer's initials)	L.C