

# Scrutiny of Children's Services- A Short Guide

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## What is this guide about?

This guide aims to provide an overview of the main components that comprise of Children's Services within local authorities. This will include:

- Practical guidance for members scrutinising safeguarding;
- The role of the scrutiny function and elected councillors in aiding school improvement;
- How scrutiny can influence the local education sector to improve results and strengthen links between the local authority and schools;
- How scrutiny can ensure that they are effectively scrutinising services for looked after children;

## Background

This publication seeks to bring together a number of publications that CfGS have previously published and sought to refresh these and repackage as a guide to Children's Services within local authorities. Below are the publications that have been incorporated into this guide:

- 10 questions to ask if you're scrutinising services for looked after children (2011)
- Back to school- Ways for scrutiny to influence local education and support school leaders to improve results (2013)
- Your school, your community- Elected councillors' role in school improvement (2015)
- Local councillors and schools- Using community leadership to improve schools (2015)
- Safeguarding Children- A practical guide for overview and scrutiny councillors (2015)

We see the primary audience for this document being:

- Members of scrutiny committees, including Chairs and Vice-Chairs;
- Scrutiny officers;
- Those involved in children's services
- Council leaders and other Cabinet members. This is because political leadership is crucial to effective scrutiny. Commitments to supporting the scrutiny function and recognizing the political dynamic within which it operates must come from the top.
- Those new to scrutiny, whether this is officers or members.

## Introduction

The welfare of all children and young people in the local community must be a top priority for any local authority, an obligation framed by the Children Act 1989.

Although it was to all intents and purposes abolished following the 2010 election, scrutineers will still find references to the Every Child Matters agenda for child safeguarding and support, and the five outcomes that underpin ECM. While the national policy environment has moved on significantly, ECM does still act as an influence, even if much of the language has changed.

In 2018, the government produced further statutory guidance on inter-agency working, to safeguard and promote the welfare of children- [‘Working Together to Safeguard Children’](#). This guidance and framework is geared towards the three local safeguarding partners, the local authority; the integrated care board (which replaced the clinical commission group as part of the Health and Care Act 2022) and the chief officer of police.

Safeguarding ensures that children are kept as safe as possible by identifying their needs, views and any risks they face. Services, information and support can then be provided as required. Where children are likely to suffer harm, local authorities have clear duties to intervene through child protection processes. Overview and scrutiny committees play an integral part in the role of safeguarding and Children’s Services and have become increasingly aware of the need to consider the effectiveness of local safeguarding arrangements. Crucial context for this is provided by the unique role that councillors have as “corporate parents” for children under the care of the council – an duty that imposes significant obligations and encourages a particular need for robust scrutiny here.

In the first section of this guide, we will explore the role of the local authority and the scrutiny function in relation to safeguarding. Within this, we will seek to delve into the safeguarding arena, to aid in improving confidence and competence in this area for scrutineers and those with a stake in safeguarding and Children’s Services. A forthcoming CfGS publication will provide more detail on the ILACS inspection framework for children’s services in local authorities, delivered by Ofsted – this part of the guide provides a general introduction to this alongside connected duties.

In the second section of this guide, we will be looking at scrutinising services for looked after children. Children in the care of a local authority are one of the most vulnerable groups in society. The majority of children in care are there because they have suffered abuse or neglect. Out of the 12 million children living in England, just under 400,000 (3%) are in the social care system at any one time. More than 80,000 of these children are

children in care. Scrutiny has a very important role to play in carefully examining this area which we will explore in more detail. This paper does not touch upon the role of scrutiny and their relationship with Ofsted, as we will be publishing a paper on this shortly which will be linked here when available.

Overview and scrutiny offers a key way in which councillors can fulfil this responsibility, by giving councillors the opportunity to ask searching questions of a range of service providers and assure themselves that children in the care of the local authority are being well looked after. This section aims to provide clear and succinct advice for scrutiny members and officers on the key issues to cover in a scrutiny review of this matter

Finally, in the last section, we will look at the role of the scrutiny function and elected councillors in aiding school improvement and strengthening links between the local authority and schools.

Back in 2015, when CfGS and the Local Government Association (LGA) published our joint publication ‘Local councillors and schools’ two-thirds of pupils still attended councils-maintained schools and around 60% of secondary schools were academies. This number has since grown, as of early 2022, 80% of secondary schools are academies and over half of all pupils are attending an academy<sup>1</sup>.

These changes mean that councils have fewer ‘formal’ levers with some schools to help them to fulfil their statutory duties which include: promoting academic excellence, protecting vulnerable children and making sure there are enough school places locally, school place planning etc.

With that said, one of the proposals of the Schools Bill, introduced in the Lords and at time of writing, at the third reading stages, will allow councils to set up and lead their own multi-academy trusts (MATs)<sup>2</sup>. However, it is unclear when or if this bill will pass without any amendments.

The changes that also present significant opportunities for local councillors to enhance their community leadership role and develop the role in new ways – by being a link between the council and schools.

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<sup>1</sup> [Schools, pupils and their characteristics, Academic Year 2021/22 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

<sup>2</sup> [Schools Bill, Second Reading, House of Lords, 23 May 2022 | Local Government Association](#)

## **Section 1- Safeguarding Children**

Although parents and carers have primary caring responsibility for their children, local authorities alongside partner organisations have certain duties to safeguard and promote the welfare of children in their locality<sup>3</sup>.

Section 17 of the Children Act of 1989 and 2004 requires the local authority to offer services to children in need in their jurisdiction, regardless of where they are discovered. In the same act, Section 47 sets out that local authorities must ‘undertake enquiries if they believe that a child has suffered or is likely to suffer significant harm’. The government also published the ‘Working Together’ statutory guidance in 1999, which was most recently updated in 2018, establishes how all agencies and professionals should work collaboratively to support children’s welfare and safeguard them from abuse and neglect. The 2018 update places a statutory duty on three key agencies to hold local responsibility for safeguarding: the Local Authority, the Police and Health Agencies. It enables them to have the freedom to develop local multi-agency safeguarding arrangements in line with the needs of their locality, whilst removing the statutory requirement for Local Safeguarding Children Board (LSCB)<sup>4</sup>. The full Working Together 2018 Guidance can be found [here](#).

The primary political and professional accountability points for local authorities are the Director of Children's Services and the Lead Member for Children's Services, who oversee the efficient performance of these duties.

More specifically, safeguarding and promoting the welfare of children is defined by the 2013 statutory guidance as:

- Protecting children from maltreatment.
- Preventing impairment of children’s health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children to have the best life chances.

Child protection is part of wider safeguarding and refers to activities undertaken to protect specific children who are suffering, or likely to suffer, significant harm.

As elected members of overview and scrutiny committees (OSCs) seek to effectively scrutinise local safeguarding, they will need to build their understanding and knowledge of the topic. Good scrutiny is based on:

- A clear understanding of the roles and function of overview and scrutiny.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942454/Working\\_together\\_to\\_safeguard\\_children\\_inter\\_agency\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf)

<sup>4</sup> <https://www.leeds.gov.uk/one-minute-guides/working-together>

- Underpinning knowledge of the principles and practice of safeguarding and child protection.
- Understanding how local safeguarding arrangements are managed and structured.
- A commitment to putting the child at the centre of safeguarding through listening and understanding the experiences of diverse children and young people.
- Support to navigate complex systems of multiple agencies and organisations with different yet complimentary contributions to overall safeguarding.
- A willingness to work collaboratively with partners and stakeholders whilst maintaining a critical challenge.
- A commitment to demonstrate the potential impact of good scrutiny on the local safeguarding process and ensure that recommendations are monitored and reviewed.

Supporting members to feel confident in their capacities to scrutinise safeguarding is crucial. Low public confidence in safeguarding and unfavourable media attention can create an environment of anxiety and concern. At the same time there may be internal challenge to the value of scrutiny from within the council.

Reinvigorated scrutiny can play an important role in balancing these concerns and bring another layer of public accountability through the local democratic process.

Safeguarding is described as ‘everyone’s business’ – not least in the work of OSCs. Whilst formal reviews of safeguarding arrangements will have a clear focus on safeguarding from the outset, many other review topics are likely to have a safeguarding dimension. OSCs need to be vigilant for safeguarding issues when they consider a wide range of services and commissioning across social, health, community and environmental.

Formalising the place of safeguarding in the OSC work plan through protocols and working arrangements with statutory partners can ensure that the topic is always on the agenda.

OSCs are well placed to promote the direct experience of local children and the knowledge and insights they bring of the safeguarding process. Stories, case studies and examples from children can make the safeguarding process more real to decision-makers and demonstrate the impact of how systems operate.

### [Children in Need and Early Help](#)

Working with children in need is an important part of the safeguarding process. Early help and intervention can ensure children and families get the help they need at the right time. This may reduce the risk of safeguarding concerns escalating in ways that could cause further harm.

Early intervention can also reduce the need for more costly and disruptive interventions later in the safeguarding process.

Each local authority will publish its own local protocols for children in need assessments in partnership with other local agencies. The steps and stages for referral, assessment, intervention and review will often be described as a series of stages. These documents are a useful tool for scrutiny members to understand their local processes.

The features of successful early intervention strategies to reduce harm to children include:

- Organisations and agencies working together to share approaches. Identification of a lead professional for each child and family.
- A clear assessment process.
- A strong understanding of the evidence base for effective early intervention strategies and systematic approach to assessments.
- Ensuring the child has a voice.
- A holistic approach to addressing the needs of the child and their family that consider social, emotional, educational, economic and cultural needs.
- Advocacy support for the child and the family

Successful partnership working with parents and the wider family can support the safeguarding process. Whilst this may not always be possible, the best outcomes for children can be achieved where services and parents are able to work together and agree clear and shared goals. Good quality information needs to be provided to support parents to keep their children safe. Services need to recognise the additional needs of parents and clarify any vulnerabilities they may have. Potential issues may include literacy, English as a second language, physical disabilities, long-term health conditions and learning disabilities. This may also highlight the roles that some children fulfil as young carers. Access to additional services to support vulnerable parents is crucial to avoid misunderstandings and conflict.

OSCs will want to satisfy themselves that local networks are in place to support vulnerable parents to enable them to participate in child protection assessments. Effective assessments need to achieve a complete picture of the child's circumstances. They will consider parenting capacity, family and environmental factors. In specific cases there may need to be close cooperation with the adult safeguarding team.

### Putting the Child at the Centre of Safeguarding

The voice of the child is an essential part of understanding the local safeguarding process. Children of all ages have valuable contributions to make about their experiences of the processes and systems. Listening ensures that scrutiny reviews are child focused and recognise the rights of



local children. It is also a powerful way to appreciate the diversity of children who experience harm and the different perspectives they may have.

Scrutiny committees will need to be sensitive in how they handle the engagement of local children in a review. They will want to be mindful of the need for confidentiality. And they will need to recognise that where criminal proceedings are ongoing that some children will not be able to participate at that point.

It is important to recognise the diversity of children and their different needs and interests. Factors such as age, gender, disability, ethnicity, class and culture will need to be considered. Child development data provides an overview of the needs of children and young people across their different ages.

At a systemic level, OSCs will want to see clear evidence that local safeguarding arrangements are putting children at the centre of decision-making and service development. This will include:

- Evidence of and clear recording of the wishes and feelings of individual children in all stages of the child protection process including during assessments, planning and reviews.
- Appropriate participation of children in meetings, conferences and other decision-making forums.
- Working with the local children in care council and other representative bodies of local children.
- A strategic approach to listening to children across the local authority.
- Examples of child friendly literature and information to assist children in understanding their rights and the safeguarding process
- Clear collaborations between local experts and organisations in children's participation and engagement and safeguarding services including support for working with children from a wide variety of cultural, faith and social backgrounds.
- Access to advocacy support for children.
- Examples of direct participation in service development.
- A holistic approach to the needs of the child and their life which includes consideration of many factors including health, education, interests, strengths, culture, community and friendships

### Scrutiny Questions

There are some key scrutiny questions that your O&SC may wish to consider when looking at children's safeguarding issues:

### Local Safeguarding Arrangements and the Child Protection Process

- How well do local safeguarding arrangements work to protect children?
- How are those in leadership roles held to account by the wider system?
- How effective are local safeguarding arrangements in identifying and meeting the needs of the most vulnerable children?
- To what extent are local agencies and organisations working together effectively?
- What level of internal challenge is there in local safeguarding arrangements?
- How are lessons and learning implemented to improve the system?

#### Children in Need and Early Help

- How well do local agencies identify and support children in need?
- Who are the most vulnerable children in the local area? What are their needs
- and how are they met?
- How effective are services in ensuring local children and their families receive
- early help to reduce the need for child protection interventions?

#### Child Protection

- How well do local services protect children at risk of significant harm?
- How effective are child protection assessments and plans?
- How aware are services of the full range of potential risks that children face both at home and in the local community?
- What are the outcomes for children who experience abuse or neglect?
- What lessons and learning have been identified by Serious Case Reviews and other forms of monitoring? How have they been implemented?

## Section 2- Scrutinising services for looked after children

When they are elected, all councillors take on the role of ‘corporate parents’ to children looked after by their local authority. They have a duty to take an interest in the wellbeing and development of those children, as if they were their own children. Although the lead member for children’s services has particular responsibilities, the responsibility to act as corporate parents is held by all councillors, regardless of their role on the council.

Overview and scrutiny offers a key way in which councillors can fulfil this responsibility, by giving councillors the opportunity to ask searching questions of a range of service providers and assure themselves that children in the care of the local authority are being well looked after.

Overview and scrutiny also offers opportunities for councillors to hear directly from children looked after by the authority and to ensure that their voices are heard when considering the effectiveness and impact of services. This should include not just children’s care services, but other areas which may have an impact on the lives of children in care (and leaving care), such as housing provision, crime and feeling safe in the community, access to public transport, the quality of schools and leisure activities.

In July 2021, the government updated and consolidated the Children Act 1989 Guidance and Regulations, Vol 2 Care Planning, Placement and Case Review documents published in March 2010, which can be found [here](#). This guidance primarily describes how local authorities should undertake their responsibilities pertaining to care planning, placement and case review for looked after children. The Department for Education advises that this guidance is issued as part of a suite of statutory guidance which, together with the 2010 Regulations, set out how local authorities should carry out the full range of responsibilities in relation to care planning, placement and review for looked after children<sup>5</sup>.

Below we will explore some of the main areas that scrutiny ought to be looking at when considering looked after children.

### [Commissioning/providing services for looked after children](#)

There are resources that you can use to analyse trends and to see if your area is significantly different from other similar areas, in terms of data on looked after children. The DfE publishes statistics on children under local authority care at national and local level, which can be found [here](#). This

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1000549/The\\_Children\\_Act\\_1989\\_guidance\\_and\\_regulations\\_Volume\\_2\\_care\\_planning\\_placement\\_and\\_case\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1000549/The_Children_Act_1989_guidance_and_regulations_Volume_2_care_planning_placement_and_case_review.pdf)

publication '[A guide to looked after children statistics in England](#)' (2020) provides a useful tool in analysing trends and seeing if your area is significantly different from other similar areas.

As corporate parents, councillors need access to this basic performance information to enable you to ask questions of those responsible, but bear in mind that scrutiny should not duplicate the work of the council's own performance management. Ofsted reviews can provide a useful source of information on performance and trends but data needs careful interpretation as performance depends strongly on context.

Some questions to consider when interpreting data:

- How many looked after children are there per 10,000 children?
- Who are your looked after children in terms of age, gender, ethnicity, religious or cultural background and disability, and what needs and challenges does this profile present?
- What percentage of looked after children cases are reviewed within the set timescale?
- Do children understand what's happening in their reviews and what's going to happen as a result of their case review? Does anyone ask them this?

Commissioning of services is becoming increasingly important, and members need to ensure that arrangements are robust and secure 'value for money' (particularly in the light of current and future cost pressures) and also that they work in the best interests of the children.

When looking at commissioning services, here are some questions scrutineers may wish to examine:

- How many services are jointly commissioned, either with other authorities or with partner agencies such as the Health Services?
- How will any changes in local health service structures, for example the proposed move to GP commissioning, impact on any joint commissioning arrangements?

Cost comparisons can be a good indicator of how effectively your authority is providing or commissioning services, for example:

- How much does it spend on court costs compared with other similar authorities and why?
- What level are directly commissioned foster carers' fees set at and how much is spent on private and voluntary sector fostering agency fees?
- What is the cost of your residential provision by comparison with other areas?
- How much do you spend on out-of-area placements for looked after children? Is this rising or falling?

## Health and wellbeing of looked after children

Looked after children and young people share many of the same health risks and problems as their peers, but they frequently enter care with a worse level of health due to the impact of poverty, abuse, and neglect. Evidence suggests that the rates of emotional, behavioural and mental health difficulties are 4 to 5 times higher amongst looked after children and young people than the wider population<sup>6</sup>.

Local authorities, primary care trusts and strategic health authorities must currently have regard to statutory guidance on the planning, commissioning and delivery of health services for looked after children, which was published in 2015 and last update in 2022. This can be found [here](#). This guidance replaces the 'Statutory Guidance on Promoting the Health and Wellbeing of Looked After Children, which was issued in November' (2009) to local authorities, Primary Care Trusts, and Strategic Health Authorities. The guidance published in 2009 has been updated to reflect reforms to the NHS following the Health and Social Care Act 2012. It also takes account of other reforms such as changes to the special educational needs legislative framework and the cross-Government mental health strategy, which emphasises that mental health is as important as physical health<sup>7</sup>.

The main points of the guidance are detailed in the appendix, though a significant aspect of the guidance is that it requires children to have a personal health plan.

Questions for scrutiny to consider when looking at the health and wellbeing of children in your care:

- Are looked after children a priority group for getting access to Child and Adolescent Mental Health Services (CAMHS) and how long are waiting times for referrals?
- As an at-risk group, what access do looked after children and young people get to services to help with substance misuse, sexual health and teenage pregnancy?
- What support is given to foster carers and young people themselves about promoting healthy lifestyles?
- What do looked after children and young people themselves say about their health needs and priorities and how well they are met?

## How stable and secure are the lives of your looked after children while they are in your care?

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<sup>6</sup> <https://www.nice.org.uk/about/nice-communities/social-care/tailored-resources/lacyp/statement-5>

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1100188/Promoting\\_the\\_health\\_and\\_well-being\\_of\\_looked-after\\_children\\_August\\_2022\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1100188/Promoting_the_health_and_well-being_of_looked-after_children_August_2022_update.pdf)

When children and young people enter care and are placed either with foster carers, in residential homes or even at boarding school, they often lose regular contact not only with their family members but also with other familiar friends, teachers etc. This is exacerbated if the 'placement' has to be out of the area, perhaps because of a lack of local foster families or places in residential homes.

If the placement breaks down, they may have to move again, causing yet more anxiety and disruption. Ensuring placements are stable and work well for children and young people is therefore key to their wellbeing.

There are a couple of indicators that your council currently has to measure its performance against but also other issues to explore:

- What percentage of looked after children move placements three or more times during a year i.e., how stable are your placements?
- What percentage of children live in the same placement for 2 or more years?
- What choice and information do children and young people have about their placements, e.g. do they get to meet potential foster carers or visit children's homes before they go to live there?
- If children have to move placement, what arrangements are made to keep them at the same school, for example transport?

Despite the move away from large residential institutions, many authorities have retained smaller residential units which may be suitable for children and young people who find it difficult to cope with family-based life as a result of their experiences. Councillors have said that taking part in what are known as 'Regulation 33' visits or other arranged visits to homes can really bring to life what it is like to live in residential care, although they have to be carried out with sensitivity.

Ofsted inspects residential homes and these reports (along with the reports from Regulation 33 visits) should provide a source of information and assurance to scrutiny about the standard of care provided there.

- If children and young people are placed in residential homes out of your area, particularly if they have to go to schools under a different education authority, what information do you get about how well they are doing or about the standard of the homes where they live, and what influence do you have to improve things?
- What do looked after children and young people themselves say about their experience of living in residential care?
- How are any complaints about standards of care in residential homes and issues such as bullying dealt with? How many are there and what happens as a result?

### How well does your authority do at finding appropriate adoptive families for children for whom it is decided this is the right option?

If a child or young person's birth family relationships have completely broken down then the best option for a long-term stable family environment may be permanent adoption. Nationally, however, there is a mismatch between the profile of children looked after and prospective adopters.

In 2005 the law on adoption was reformed by the Adoption and Children Act 2002 and the Family Procedure (Adoption) Rules 2005. The updated law brought adoption into line with the main themes of the Children Act 1989 and tried to ensure that the question of best interests and parental consent of the birth parents are addressed at an earlier stage.

The updated law made the child's welfare paramount and introduced a new adoption welfare checklist which includes the long-term implications of adoption. The court can dispense with the consent of a parent to the placement and adoption of their child provided that the welfare of the child requires it<sup>8</sup>.

Questions for scrutiny to consider in regard to finding appropriate adoptive families:

- What percentage of children are placed for adoption within 12 months of the decision to adopt and are subsequently adopted?
- How long does it take to make the decision to place a child for adoption, particularly for new-born babies?
- What is the profile of the children in care compared with prospective adoptive families, and if there is an imbalance, what steps are being taken to address this, e.g., to recruit more adopters by emphasising the positive messages about the process and value of adopting?
- How are sibling groups treated and what steps are taken to ensure they stay together, whether in adoption, fostering or residential care?

### How well do your foster care arrangements work?

Nationally, the proportion of children in care placed with foster parents as opposed to residential homes is significantly greater<sup>9</sup>. This is partly due to the comparative costs of the two options but also due to a changed policy approach, as fostering enables children and young people to live in a family environment rather than an institutional one.

Foster carers can play a hugely valuable role in stabilising and caring for children from disrupted home environments for both short and longer

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<sup>8</sup> [Adoption cases - Cafcass - Children and Family Court Advisory and Support Service](#)

<sup>9</sup> [Statistics briefing: looked after children \(nspcc.org.uk\)](#)

periods of time, but nationally there is a shortage of people willing to take on the role.

An area of concern is around private or kinship fostering, where children stay with extended family or friends in a private, often informal, arrangement, as this is an underregulated area (though those fostering in this way must inform their local authority). Teachers or the local GP may realise that a child is no longer living at home with their parents but often the information is not passed on and there is no way of knowing whether the arrangement is in the child's best interests.

- Do you have a sufficient pool of suitable foster carers locally to meet the needs of and match the children needing placements? If not, what steps are being taken to address this?
- What support is given to your foster carers and how easily can they access it, for example therapeutic support and help?
- What do foster carers themselves say about the support they receive, including out-of-hours support and about their relationships with social workers and other professionals?
- Is there more 'in-kind' support that would facilitate and make the fostering role easier, such as bus passes, access to leisure centres etc?
- What do looked after children and young people themselves say about their experience of fostering?
- What does the authority or other agencies know about any kinship fostering arrangements and are people encouraged to share information or concerns?

### What support does your authority provide to young people leaving care and how effective is it?

For many young people, leaving care can be daunting and confusing. The ['Extending Personal Adviser support to all care leavers to age 25 Statutory guidance for local authorities'](#) (2018) introduced a new duty on local authorities to provide Personal Adviser (PA) support to call care leavers up to age 25, if they so wished to be in receipt of this.

For care leavers aged 21 or over, the duties in the Children Act 1989 introduced through the Children & Social Work Act – to assess care leavers' needs, and develop and keep under review a pathway plan – apply only where the young person requests support<sup>10</sup>.

The new duty therefore means that local authorities do not necessarily need to provide the same level of support to care leavers aged 21 to 25 as it does for those aged 18-20. The new duty does however enable local authorities to respond positively to requests for support from care leavers

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<sup>10</sup> [Extending Personal Adviser support to all care leavers to age 25 \(publishing.service.gov.uk\)](#)



aged 21-25 who may be continuing to struggle with the transition to independence and adult life<sup>11</sup>.

Here are some questions for scrutineers to consider when scrutinising the services available to care leavers:

- How many care leavers is your authority still in touch with a year after they have left the care of the authority? How many are in touch with after three years?
- Are former looked after children ever asked to help children currently in care by talking about their experience or giving advice?
- What do you know about the life outcomes of the children who were formerly in your authority's care?
- How many formerly looked after young people are NEETs (not in education, employment and training)?
- What support do young people leaving care receive around access to housing, tenancy support, employment, access to benefits, further and higher education and training? For example, does the local authority offer apprenticeships to care leavers or support with CV writing and interviews? What happens as a result?
- What do former looked after children and young people themselves say about their experience of leaving care and the support that is/was provided?

### How effective is your professional workforce of social workers and others responsible for running services for and working with looked after children?

Many authorities have struggled to recruit and retain sufficient numbers of suitably qualified social workers to manage their workload and do the difficult job of working with vulnerable children. This can be a key cause of poor performance around reviewing cases on time and picking up and acting on issues raised by children, foster carers and others.

While senior officers are responsible for managing staff and services, members can play an important role in checking that officials beyond social services departments are aware of their responsibilities to looked after children, for example in housing departments, environment and leisure services, education, legal services and the health service.

Questions for the scrutiny function to explore when measuring the effectiveness of your LA's professional workforce (relating to Children's Services)

- What are levels of social work staff vacancies, turnover, stress-related sickness, use of agency staff and ratios between newly qualified and experienced social workers and what action are management taking to address these? Are they learning from

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<sup>11</sup> [Extending Personal Adviser support to all care leavers to age 25 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

innovative schemes elsewhere to manage staff resources most effectively?

- What continuity of social worker support is there for looked after children and what are the case loads carried by social work staff?
- Is there evidence that staff from across the authority and other partners are working together to deliver what looked after children need?
- Do they have time for therapeutic work with looked after young people or do they get bogged down in paper work and what management action is taken to address this?
- What do looked after children and young people, foster carers and prospective adopters say about their experience of engaging with social workers and other professionals?
- Are looked after children and young people involved in recruitment and development of services?

## Section 3: School improvement and strengthening links between the local authority and schools

All schools have become more independent of councils in recent years, but the Academies Act of 2010, the rapid increase in Academies in many areas and the emergence of Free Schools, has fundamentally changed established relationships. The council is still accountable for promoting academic excellence, protecting vulnerable children, school place planning and a whole raft of other responsibilities. However, significant budget cuts and the increasing number of academies and free schools, directly funded and accountable to the Secretary of State for Education, mean that the council role in school improvement is changing<sup>12</sup>.

Councils, and within this, the scrutiny function need to develop a strong strategic role in what is effectively becoming in some areas an independent sector.

The most compelling case for strengthening the links between councillors and schools in their patch is to ensure that the children attending the school have the best possible educational outcomes. Better understanding and working between the council, councillors, and their local schools can make a significant contribution to creating the right environment to improve outcomes.

There are many reasons why it is advantageous for schools and councillors to work more effectively together, these include:

- Local councillors have a unique role. They are elected to serve the community and have a community leadership role that enables them to improve outcomes for their area and also council wide.
- To do their job effectively, councillors need to develop relationships with public service organisations and key contacts in their ward, including those affecting children given their role as ‘corporate parents’ and their responsibility for safeguarding. Therefore developing better and more productive relationships with schools is a fundamental ‘must do’ for any ward councillor – whether they are a governor or not.
- Whilst individual councillors may not have a direct role in decision-making in relation to local schools, they have the broad duty to provide community leadership in their area. This means being aware of all the different organisations, resources and facilities that impact on residents of all ages, and working with other providers to promote the wellbeing of their place. This can involve identifying opportunities to influence local education, support school leaders and help improve school results.

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<sup>12</sup> [Must know for education | Local Government Association](#)

- As a representative of their constituents, councillors are often called upon to resolve problems or complaints. By establishing positive ongoing working relations with the school(s) in their area this can help to resolve issues quickly and as they arise.
- As the picture of education providers changes, councils need to find other ways of providing oversight of education within their area – to ensure that they continue to fulfil their statutory duties.

### Developing relationships with schools

Here we intend explain how you can best put the foundations in place to ensure that the role of scrutiny in improving school performance can develop to its full capacity. Effective relationships are the cornerstone of ensuring that education delivery and school support services and people engaged in schools and activity relating to children and young people work together to mutual benefit and around common goals.

Sometimes regarded as a cliché, developing effective relationships is vitally important and not hard to do if you understand respective roles, responsibilities, purpose and the added value of a good working partnership.

Many head teachers, chairs of governing bodies and other school leaders may not be familiar with the role of scrutiny. However, there is the statutory requirement for scrutiny committees that cover education to have co-optees from governing bodies, which may include parent governors and diocesan representatives in respect of voluntary aided faith schools. It therefore is important to champion scrutiny, to tell the story of why it is important and how it might add value, to explain that it is the voice of the public (parent and pupil, the local business community and others) and to demonstrate how it helps the council to deliver the best services to its wider community, including its schools.

There are several ways that we suggest to improve links with schools, which we will detail below:

- Raise the profile of scrutiny
  - Given the perceived limited knowledge about scrutiny and the changing education system and council support, it would be important to showcase what scrutiny does and how it can help a school and the council in respect of its responsibilities in connection with education. This could include drawing on examples from other councils.
- Site visits to schools

- Visiting schools gives councillors a ‘real life’ picture, helping them to get to know their schools and its leaders. This type of informal approach helps councillors “feel where the school is coming from”, and brings its activities to life. It also helps schools to gain a different view of the council and its councillors and how they might work together.
- Strengthening links between local councillors and schools in their ward or division
  - Local councillors have a unique role in their community and are best placed to ensure that the school is aware of the community that it is within. These individual relationships help to break down perceived barriers. Challenge is easier to exert if the council and councillors are alongside their schools and are supportive and interested in their activity.

There are benefits in building relationships which schools and educational leaders for councillors (particularly those that sit on scrutiny) which we will detail below:

- Making sure councillors are one of the key contacts that the school leadership and staff have in the local community.
- Generating better understanding of the current education landscape and safeguarding systems, the different types of school and their respective governance models, and helping to understand how the council supports them.
- Helping to better understand the ‘whole’ school – this isn’t just about understanding the data and how well it is performing (although this is important); it will provide better understanding of the ethos and values of the school, its staff and how they work, the relationship that it has with pupils, parents and the community. But it will be equally important for the school to understand the role of a councillor too.
- Accessing and using insight from local schools to develop a deeper understanding of local issues, inform regeneration plans, school travel plans, and council improvement strategies; making local problem solving easier.
- Providing insight into the variations in outcomes between schools and the potential reasons for this, especially those working with many of our most deprived children.
- Using the relationship with schools to engage with parents (the electorate).
- Raising the profile of local democracy and civic engagement.

- Sharing local authority good practice on governance, transparency, and support might be helped by comparing schools' approaches as well

In terms of benefits for schools, they have a central place in their community, and what happens in school has a massive impact on its community for generations to come – yet schools can sometimes be insular and isolated from the outside community.

There are significant pressures upon school leaders to succeed. Head teachers and governors, whether new to post or established, will have a 'to do' list when it comes to understanding their community. Local councillors have access to information and contacts across the community with parents and families, the police, NHS, community groups, the voluntary sector, the business community and other partners, and could facilitate new partnerships for school leaders.

Councillors can be very influential and everyday will use their powers of influence to work with others in an attempt to create better communities. They will also have the ability to influence services outside the direct remit of the local authorities.

One of the benefits of locally elected councillors is their community leadership role. They represent a specific area and can work to support the facilities and communities within it, being their voice, someone who will listen to their needs with a mandate to be their advocate and the champion of their needs.

Building better relationships with councillors could benefit schools and school leaders by:

- Enabling a more outward focus - your local councillor can provide a link into the wider community and key stakeholders – generating productive partnerships and new connections.
- Sharing information between your school and your councillor could lead to better mutual understanding of the community. For example the school using a councillor's insight and knowledge from constituency work.
- Creating better relationships could help schools to access different resources to get things done.
- Enhancing relationships can help to raise the profile of the school and provide better connections.
- Using their role as an advocate for the school in relation to budgets, buildings, development etc; and could support schools in their liaison with the council's school support services as appropriate
- Establishing links with local businesses. This might include sourcing a motivational speaker for the sixth form, the provision of work

experience and support for skills and vocational activity or in primary schools – showcasing local trades and skills.

- Building better partnerships between agencies that affect children’s wellbeing including schools, health services, police, voluntary organisations e.g., in relation to FGM, domestic violence or radicalisation; it could influence children’s educational attainment.

### Reviewing and understanding resource allocation

As councils’ children’s services budgets come under pressure, the question of maximising the impact of resources becomes more important. It’s also important to ensure that schools allocate funding according to need and that targeted funding provided to the council or to schools is utilised effectively.

These are roles that scrutiny can play, both externally, through the influence of council governors where appointed and through building better relationships with schools and also internally, through the budget and policy scrutiny mechanism.

Scrutiny roles could include:

- Understanding the authority’s strategy for targeting expenditure and working with children and young people at a time when schools have increased autonomy and providers of schools are becoming increasingly diverse, thus making it harder to gain intelligence about them
- Looking at the range of services being provided, whether ‘traded’ or otherwise and how the pattern of services are likely to change in the future
- Reviewing and helping to choose the right performance indicators that will provide assurance as to the quality and effectiveness of any relevant strategy and delivery monitoring spend and outturn figures.

### Place planning

Councils have a statutory duty for school place planning and shaping future education provision. Scrutiny can play a valuable role in providing insight and challenge to plans made by a council. This can include a check on the quality and source of data and future projections, compared with census and other demographic information, for example.

Scrutiny can:

- Bring together and listen to the views of a wide set of stakeholders
- Work across councils
- Represent the community and act on behalf of parents
- Review and interpret data.

## Reviewing and monitoring performance

Monitoring, challenge and support remain clear roles for a council as it seeks to raise pupil achievement across the whole area – getting the best possible schools for local children.

With more and more schools opting to become independent of the council, this has caused anxiety in some areas with councils fearing that they are losing oversight of performance, admissions and curricular within Academies across their area – and that they are becoming more distant from schools.

Council scrutiny committees can help councils to fill this ‘accountability gap’ and to continue to fulfil their ‘champions for children’ role. This could include taking an overarching look at the quality of education in a local area and asking questions about any poor attainment levels, regardless of school type.

Suggested topics for scrutiny of performance:

- Comparative results across the local authority area and with similar councils at key stages, GCSE and A level.
- The role of the council and local schools in bridging the gap in educational attainment.
- The effectiveness of education in making pupils ready for work.
- Thematic reviews e.g., Key Stage 2 literacy results, sixth forms, 14 – 19 provision, early years provision
- The local authority’s support for looked after children and their educational attainment.
- School exclusions.
- Reviews with the head teacher and chair of governors of a school facing special measures or with underperformance to gain a clearer appreciation of the support and challenge that the school requires.
- Work with school leaders, the council’s Executive member and the director of children’s services and other appropriate officers to help carry out an informal ‘dry-run Ofsted inspection’ of the local authority’s school improvement arrangements.



## Appendix

### *Promoting the health and well-being of looked after children-*

#### *Statutory guidance for local authorities, clinical commissioning groups and NHS England main points*

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1100188/Promoting the health and well-being of looked-after children August 2022 update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1100188/Promoting_the_health_and_well-being_of_looked-after_children_August_2022_update.pdf))

- The corporate parenting responsibilities of local authorities include having a duty under section 22(3)(a) of the Children Act 1989 to safeguard and promote the welfare of the children they look after, including eligible children and those placed for adoption, regardless of whether they are placed in or out of authority or the type of placement. This includes the promotion of the child's physical, emotional and mental health and acting on any early signs of health issues.
- The local authority that looks after the child must arrange for them to have a health assessment as required by The Care Planning, Placement and Case Review (England) Regulations 2010.
- The initial health assessment must be done by a registered medical practitioner. Review health assessments may be carried out by a registered nurse or registered midwife.
- The local authority that looks after the child must ensure that every child it looks after has an up-to-date individual health plan, the development of which should be based on the written report of the health assessment. The health plan forms part of the child's overall care plan.
- When a child starts to be looked after, changes placement or ceases to be looked after, the responsible local authority should notify, among others, the CCG – or, in the case of a placement out of authority, both the originating and the receiving
- CCG (or local health board in the case of a child looked after by a local authority in England but living in Wales) – and the child's GP. If the child is moved in an emergency, the notifications should happen within five working days. Prompt notifications are essential if initial health assessments are to be completed in good time.
- Looked-after children should never be refused a service, including for mental health, on the grounds of their placement being short-term or unplanned.
- CCGs and NHS England have a duty to cooperate with requests from local authorities to undertake health assessments and help them ensure support and services to looked-after children are provided without undue delay.
- Local authorities, CCGs, NHS England and Public Health England must cooperate to commission health services for all children in their area.

- The health needs of looked-after children should be taken into account in developing the local Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS).
- Every local authority should have agreed local mechanisms with CCGs to ensure that they comply with NHS England’s guidance on establishing the responsible commissioner in relation to secondary health care when making placement decisions for looked-after children and to resolve any funding issues that arise.
- If a looked-after child or child leaving care moves out of the CCG area, arrangements should be made through discussion between the “originating CCG”, those currently providing the child’s healthcare and the new providers to ensure continuity of healthcare. CCGs should ensure that any changes in healthcare providers do not disrupt the objective of providing high quality, timely care for the child.
- Local authorities, CCGs and NHS England should ensure that plans are in place to enable children leaving care to continue to obtain the healthcare they need.
- Looked-after children should be able to participate in decisions about their health care. Arrangements should be in place to promote a culture:
  - where looked-after children are listened to
  - that takes account of their views according to their age and understanding, in identifying and meeting their physical, emotional and mental health needs
  - that helps others, including carers and schools, to understand the importance of listening to and taking account of the child’s wishes and feelings about how to be healthy