



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 01 JULY 2020

SUBJECT: UPDATE ON CHILDREN'S SOCIAL WORK AND CRIMINAL JUSTICE

BY: INTERIM CHIEF OFFICER, MORAY HEALTH AND SOCIAL CARE PARTNERSHIP

1. REASON FOR REPORT

- 1.1 To provide a position statement on Children and Families and Justice Social Work, including an overview of the National Context; the Local Context; The Independent Care Review; the current position in Moray; rationale for transformational change; reconnecting social work; and delegation of services to Moray Integration Joint Board.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

- 2.1 It is recommended that the Emergency Cabinet:
- (i) agree to note the work being carried out to make improvements to the service; and
 - (ii) continue with the programme which will seek agreement at a future date to delegate Children's Social Work and Criminal Justice to the MIJB (Moray Integration Joint Board).

3. BACKGROUND AND CONTEXT

- 3.1 The Scottish Government National Performance Framework sets out the ambitions of the Scottish Government underpinned with the values of treating all people with kindness, dignity and compassion; with respect for the rule of law; and to act in an open and transparent manner. The national outcome most relevant to Children and Families and Justice social work is that people grow up loved, safe and respected so that they realise their full potential.

- 3.2 The Moray Children's Service Plan 2020-23 has now been submitted to the Scottish Government in draft form, as requested in May 2020. Supporting feedback will be provided to local areas.
- 3.3 The Children and Young People's Scotland Act 2014 requires local authorities and health services to lead the development of the plan and its scope should include all children's services provided by the local authority and health board and other services that fall into the category of children's e.g. schools, health visiting youth groups, social work and related services such as alcohol and drugs services and leisure services. It also includes the third sector and voluntary organisations and private services commissioned, and other public sector organisations such as Police and Scottish Fire and Rescue Services.
- 3.4 It covers children from birth to 18 (and up to 26 for young people with care experience).

3.5 **The vision is:**

"Children have the right to lives, communities where their voice is heard and they are built up to be all they can be". This was developed alongside our partners and Moray Youth Matters Forum

The plan is informed by a joint strategic needs analysis, supported through the "Realigning Children's Services" programme.

This has included a wellbeing survey across primary and secondary schools, p4-7 and s1-4, completed by 5,250 children and young people; 105 surveys completed by parents of nursery- aged children; surveys from 194 nursery and p1-3 children, Moray Youth Matters; stake holder workshops; and engagement with workforces at Moray Council and Baxter's at Fochabers.

3.6 **Key rights based themes emerged:**

- right to feel happy, respected, supported, safe and confident
- opportunities to be the best they can be
- supported to learn
- live in a community that builds them up

3.7 **Four high level priorities have been identified for the Children's Services Plan to focus on**

1. Wellbeing of children and young people is improved
 - a. emotional and mental development
 - b. physical wellbeing
 - c. social wellbeing
2. Children and young people are safe and free from harm
 - a. safe in their communities
 - b. impact of domestic abuse
 - c. impact of neglect
 - d. impact of parental substance use

3. Impact of poverty on children and young people is mitigated against
 - a. to address stigma
 - b. increase disposable income
 - c. overcome disadvantage
 4. Improve outcomes looked after and Care Experienced Children and Young People
 - a. stable and nurturing homes
 - b. positive educational outcomes
 - c. improved wellbeing
 - d. criminal and youth justice
- 3.8 The ambition of the plan is to be dynamic and responsive and adaptable, particularly important in the current COVID-19 social circumstances.
- 3.9 The GIRFEC Leadership Group (GLG) which comprises of heads of service from Education, Health, Social Work, Third Sector representatives, Police Scotland will have oversight of the delivery of this plan.

4. **THE INDEPENDENT CARE REVIEW**

- 4.1 The Independent Care Review was launched in 2016 with the aim of identify and delivering lasting change in Scotland's Care System, to leave a legacy that will transform the wellbeing of infants, children and young people.
- 4.2 The final suite of reports was published in February 2020 and represents one of the most significant pieces of work to inform social work and its impact on children and families since the Kilbrandon Report in 1964 which led to the Social Work (Scotland) Act 1965.

www.carereview.scot/conclusions/independent-caer-review-reports/

- 4.3 "The Promise" report urges Scotland to build on foundations of:

Voice – really listening and making sure children are included in decisions about their lives

Family – where children are living with their family, and are safe and feel loved, they should stay there; and families should be given all of the help need to stay together.

Care – Where children can't live with their family, they must stay with brothers and sisters, where it is safe to do so, and they should also belong to a loving home, staying there for as long as is needed.

People – Relationships are important, and adults must make sure that children are able to stay close to the people they want. They should also help children to make new relationships too.

Scaffolding – Help and support must be there when it is needed, for children and adults too. It needs to be responsive, and ready when it is required.

The Independent Care Review provides an analysis of the cost to children and young people in terms of life outcomes, if they become looked after. For example for children who are looked after are almost and a half more times more likely to have unauthorised absences from school; almost two and a half times more likely to be excluded from school; almost one and a half times more likely to have anxiety all by the age of sixteen. But these costs are life-long costs. Care experienced adults are for example three times more likely not to have had a full time job by the age of 26; over one and a half times to have financial difficulties; more than twice as likely to experience homelessness; almost twice as likely to have poor health; almost twice as likely to have no internet access at home; and over one and a half times to experience severe multiple disadvantage (homelessness, substance misuse, offending, mental ill health).

- 4.4 The financial analysis done to attempt to describe the cost of the failure demand at a national level becomes startling. It is estimated that nationally £942M is investing in the current care system, alongside £198M in universal services. £875M is spend meeting needs that have arisen due to the system having failing them in, for example, mental health and homeless services. It is estimated that £732M is lost to the economy in lost tax and national insurance due to care experienced young people having lower income as adults. Due to there being a reduced service available from our Research & Information Officers it is not possible at this stage to see how this might look in Moray, though it would be reasonable to anticipate the proportion of spend would be similar but on a pro-rotas basis.
- 4.5 The Independent Care Review offers a powerful quote to contextualise the current care situation. “The care system is a complex, fragmented, multipurpose and multifaceted entity which does not lend itself to easy identification. Its roots and branches are underpinned by 44 pieces of legislation, and 19 pieces of secondary legislation, 3 international conventions and straddle 6 out of 9 Scottish policy areas. It is NOT a care system. It is a labyrinth of legislation, policy and practice, reflective of how rules and systems have evolved over decades, often in response to changes the system required. It does not reflect the needs of Scotland children’s or their journey into adulthood”. (Page 92).

www.carereview.scot/wp-content/uploads/2020/02The-Rules_pages.pdf

5. THE MORAY POSITION

- 5.1 Monthly performance meetings are now established to review the services’ performance and to identify areas for improvement. As at 31st March 2020 there are 18293 children 0 to 17 living in Moray, 1780 attend early learning and children care, 6987 attend primary school and 4940 attend secondary school.
- 5.2 There are 583 children who are in direct contact with Social Work service, 92 young people who have been previously looked after and remain eligible for After Care support remain in contact the service.

| Snapshot As at 31 March | 2017/18 (1 April to 31 March) | 2018/19 (1 April to 31 March) | 2019/20 (1 April to 31 March) |
|--|--|--|--|
| Looked after at home | 45 | 46 | 36 |
| Looked after away from home | 173 | 167 | 153 |
| Residential care in Moray* | 23 | 24 | 23 |
| residential care out of area | 23 | 23 | 17 |
| Foster care in Moray | 63 | 62 | 49 |
| Foster care out of area | 14 | 13 | 10 |
| Kinship care | 44 | 39 | 47 |
| Prospective adopters | 6 | 6 | 6 |
| Number of children on the cp register | 59 | 53 | 36 |
| Number of young people in supported lodgings | 6 | 7 | 8 |
| Numbers of foster carers | 54 | 51 | 43 |
| Number of children adopted | 7 | 6 | 8 |

- 5.3 *This includes 7 children that use residential respite regularly and so are regarded as looked after due to the number of nights over a year they stay away from their families.
- 5.4 The number of children on the Child Protection register continues to fall. However in terms of our looked after children, we must aim to make our performance closer to that of our comparative authorities. Wherever possible our ambition, informed by the Independent Care review should be to support children to remain with their families with the right support to enable this to happen.
- 5.5 For those children who are not able to remain with their families, we must make sure they can remain together in a family with their brothers and sisters. We currently have less children looked after at home, compared to those looked after away from home, and we would want this balance to reverse.
- 5.6 Our data also tells us that when our children aren't able to stay with their own families, we need to make sure that we offer them a settled and stable alternative to this. Whilst we are increasing the number of children who are in kinship care we have some of the highest incidents of children living in more than one placement over a year. (So we are 29 out of 32 local authorities in Scotland).

- 5.7 This clearly is an area that requires improvement so that children who have already experienced significant adversity prior to not living at home with their families are not further disadvantaged by having to form and end relationships with other adults who care for them. Compared to the rest of Scotland we should aim to have less of our children in residential settings and more in family based placements, preferably in Moray, so where appropriate, relationships with their families can be nurtured and maintained.
- 5.8 The budget allocated to Children and Families and Justice Social Work 2020-2021 is £18,840,960 which includes funding for the out of hours service, which also covers Adult Social Work services, and Criminal Justice social work which is funded through a direct grant to the Local Authority specifically for the Criminal Justice function. In 2019-2020 the total budget was underspent by £846k.
- 5.9 There is a need to make sure that the budget allocated is being spent in the right way to reflect a different approach to supporting families so that we can improve outcomes for them and their families. Single out of area placements in residential care or secure area are expensive, on average £4200 per week. In these cases high costs do not equate to better outcomes for children.

6. THE NEED FOR TRANSFORMATIONAL CHANGE

- 6.1 Improving outcomes for our most vulnerable children and families, to meet the ambitions contained in the national performance framework, and our Moray Children's Services plan 2020-23, the Independent Care Review's Promise requires a shift in approach of how we work with families to one which focuses on family strengths and assets, recognising the enduring and lifelong nature of family relationships which need to be nurtured and enhanced. Family Based Decision Making is a well-supported way of working (in the 1990s, Moray was an early adopter of this approach in conjunction with Children First) which is used by a number of Scottish local authorities to enable families to identify what support they need to look after their own children.
- 6.2 The Social Care (Self Directed Support)(Scotland) Act 2013 also emphasises the importance of focussing of outcomes and people having choice as to how support to meet these outcomes can be offered. Often, this has focussed on Direct Payments to families who have a child with a disability rather than more meaningful choice to families who may need ongoing support to be the kind of parents they would want to be.
- 6.3 As well as calling for a different approach to Social Work that focusses on family relationships and shifting professional power balance; treating children and families with respect and as equal, a shift in practice model also requires a shift in how we commission on a strategic and individual basis. With a stronger focus on localised intensive family and community based support, we also need to make sure that when we are giving money to residential providers that they are working with us to ensure our children and young people are provided with the best and possible opportunities to grow and develop.

- 6.4 The third element requiring attention is how we support our communities to care for our children through Foster Care and Kinship Care; to develop confidence in caring for our children who have the most disruptive start to their lives.
- 6.5 The system wide changes in culture and practice will not be made quickly. A transformational change plan has been developed to support the changes required which forms part of the Council's Improvement and Modernisation Programme.

7. RE-CONNECTING SOCIAL WORK

- 7.1 The Independent Care Review identifies that Scotland must recognise that there are some families experiencing particular issues that are much more likely to come into contact with the "care system", for example parents with learning disabilities have a significant likelihood of their children being removed from their care with them often reporting they are not always clear why the decision was taken. Research repeating evidences that parents with learning disabilities can and do become good parents with the right support and this support requires to be long term and at times intensive, and specific and supportive, building on their capabilities as parents.
- 7.2 There is significant research on the impact of and relation between substance use, mental health difficulties, domestic abuse, and the likelihood of children being removed from the care of their parents. Families experiencing these issues need to be supported in creative, and relational ways there must be a shared language of care and support between services and professionals so that families are not navigating competing standards and expectations.
- 7.3 This begins to provide a compelling rationale for children and families and Justice Social Work to come together within the same leadership, management and delivering model and to strength professional practice to support the delivery of better outcomes for their children and families.

8. DELEGATION OF CHILDREN AND FAMILIES AND JUSTICE SOCIAL WORK TO MORAY INTEGRATION JOINT BOARD

- 8.1 A review of the Council's senior management structure was commissioned and reported on 2019. Within it a series of recommendations was made with the aim of strengthening leadership and management structure within the Council whilst identifying opportunities for financial efficiencies.
- 8.2 In relation to children and families and Justice Social Work it was highlighted that there were opportunities to strengthen the professional leadership and governance of the statutory function of social work, by having it in a single structure rather than between Social Work function for adults being in the MIJB and Children and Families and Justice Social Work being in the then directorate Education and Social Care, held within Integrated Children Services.
- 8.3 The interim Head of Integrated Children's Service post became vacant in June 2019. A joint interim appointment was made with one post holder being

allocated responsibility for the Social Work element of the post and the other being allocated additional support needs, early engagement and intervention, and locality management, for an appointment period for 6 to 12 months.

- 8.4 The full Council meeting in September 2019 was presented with the restructuring model that proposed removing the position of Director of Education and Social Care and to begin discussions with NHS Grampian and MIJB to delegate services within 6 to 12 months. This led to the Interim Head of Service now responsible for Children and Families and Justice Social Work reporting directly to the Chief Executive. A decision was made at CMT in November 2019 that the Chief Office for Health & Social Care Moray would offer line management and support to the Head of Service role whilst discussions for delegation of services commenced.
- 8.5 Moray Council on 27 November 2019 (para 22 of the minute refers) and NHS Grampian on 5 December 2019 (para 11 of the minute refers) agreed to proceed to the next steps of assessing the potential of delegating the above services to the MIJB, within a 12-18 month time frame, with a shadow period being part of this assessment. The ambition is for this to be complete for 1 April 2021, for the new arrangements to align with the start of the financial year. However, this may need to remain open to review, given the current public health situation and resultant change in priorities.

9. MORAY COUNCIL SERVICES AND SCOPE FOR DELEGATION

- 9.1 The following services and functions are in scope for delegation: social work to children and families including functions and work associated with access; child wellbeing and protection; child in need; child with disabilities; looked after children; fostering; adoption; through care and after care; kinship care; supported lodgings; Cala Residential Unit; Youth Justice; Out of Hours Social Work; Criminal Justice Services including Court Social Work service; unpaid work; community payback; diversion for prosecution; drug treatment orders; reports and risk assessments; Multi-Agency Public Protection Arrangements; commissioning and contract monitoring; quality assurance. Other functions requiring to be discussed further include social work training and the role of locality management.

10. GOVERNANCE

- 10.1 The Interim Head of Children and Families and Justice Social Work reports to the Chief Officer for HSCM, as part of the “shadow arrangement” and is part of the Senior Management Team. This has been in place since April 2020.
- 10.2 Responsibility for these services and functions remain with the council’s Chief Executive as Head of Paid Service and Moray Council until any revised Integration Scheme has received approval from the Scottish Government. The Chief Social Work Officer retains responsibility and accountability for the professional governance of social work across Moray Council.
- 10.3 Governance and Accountability and responsibility for the service remains with the Council. The Children and Young People’s Committee remains the route for reporting from the service.

11. TIMELINE

- 11.1 Advice has been sought from Scottish Government Health and Social Care Directorate in early May 2020 to ascertain the process and time frames required to enable the Integration Scheme to be approved for 1 April 2021, if that is agreed by NHS Grampian and Moray Council. The outcomes of this meeting will now form part of the timeline so that the plan can be developed to ensure the work required can be identified, allocated and progressed.
- 11.2 Progression of the proposal to delegate services to MIJB will require allocation of resources from the local authority to enable this work to be completed, including appropriate project management officer time, human resources, organisational development and legal and financial services resources; the council's legal team have consistently advised that the work required to ensure due diligence will be considerable, and this may not be possible to be undertaken within current resources.

12. DEVELOPMENT OF THE PROGRAMME OF WORK

- 12.1 A project board needs to be established in order to have adequate oversight of progress and to support officers in their work. The project board will need to include how and to where any risks and issues will be escalated and dealt with and how the final scheme will be agreed prior to submission to the Scottish Government.
- 12.2 Work streams will be established to consider the following areas: Joint Resources and Financial Planning; Governance and Accountability; and Staffing and Organisational Change.

13. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Moray Local Outcomes Improvement Plan (10 Year Plan) prioritises building a better future for our children and young people in Moray.

(b) Policy and Legal

Any change to the Moray Integration Joint Board Scheme of Delegation will require a formal process between the Council and NHS Grampian.

The Council has responsibilities and duties to children in need and at risk through the Children and Young People's (Scotland) Act 2014 and the Children (Scotland) Act 1995.

(c) Financial implications

Resources are required to move forward the programme of work required to prepare for potential delegation of services to the Moray Integration Joint Board. Whilst this can be managed within the existing budget envelope, this may have a knock on effect to other priorities that may then need resource to take forward.

There are potential significant efficiencies that can be realised by raising quality, and the primary driver must be to improve the service where better outcomes are produced.

(d) Risk Implications

The risk of not acting is significant, both for outcomes and the longer term sustainability of services.

(e) Staffing Implications

Staff need to be supported to make the improvements and so that they are confident in their practice at a time of change. This will result in us achieving really good outcomes for children and families.

(f) Property

There are no direct implications on property arising from this paper.

(g) Equalities/Socio Economic Impact

The focus of service delivery is designed to meet the needs of children and young people in Moray who are our most vulnerable, and who may have a number of complex needs.

(h) Consultations

The Children's Plan and associated work to make improvements, along with the intent to continue the work towards delegation to the MIJB, has been discussed in the last quarter with the Partnership senior management team; the Partnership senior leadership group, and a formal paper presented to the MIJB.

14. CONCLUSION

14.1 The primary focus for Children's Social Work and Criminal Justice must be to make the necessary improvements to ensure that children and families are well supported, and that the outcomes for each individual maximises their potential.

14.2 The response to COVID-19 has required work to be reprioritised, and has had significant implications for capacity for both the Council and NHS. The Scottish Government have advised of the process required to amend the scheme of delegation which is significantly less onerous than creating the initial integration scheme. Nevertheless it is not yet possible to establish if the timescales of the work being completed for April 2021 are realistic particularly in relation to negotiations concerning finance; legal due diligence; workforce engagement consultation; and agreements from the NHS Board and Council.

Author of Report: Joyce Johnstone
Background Papers:
Ref: