

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

14 OCTOBER 2021

Report of the Executive Director for Children's Services

**Corporate Parenting Board Terms of Reference
(Children's Services & Safeguarding)**

1. Divisions Affected

1.1 Countywide.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek approval for the Corporate Parenting Board to be considered as an informal advisory group and cease to be a formally constituted public meeting; to seek approval for the resulting revised Terms of Reference and membership for the Board and for the consequential amendments to be made to the Constitution.

4. Information and Analysis

4.1 Looking after and protecting children and young people is one of the most important jobs Derbyshire County Council does and when a child, for whatever reason, is unable to live safely at home, it is the local authority's duty to step in and give them the care, support and stability that they deserve.

4.2 Research tells us that in general children in care and care leavers have poorer outcomes than their peers who are not in care. It is, therefore,

the responsibility of the local authority and partners to fight their corner and give them every opportunity to reach their potential.

- 4.3 The Children and Social Work Act 2017, through setting out specific Corporate Parenting Principles, has defined for the first time in law the responsibility of corporate parents, that is to ensure, as far as possible, secure, nurturing and positive experiences for children and young people in care, and care leavers.
- 4.4 Section 10 Children Act 2004, highlights that relevant partners, including health bodies, the police and education services are to cooperate with local authorities to improve the well-being of children in care and care leavers, and so share the corporate parenting responsibility.
- 4.5 The corporate parenting principles are not new requirements but provide a framework to help local authorities understand and fully comply with existing duties across the whole of their services as they discharge those duties to children in care and care leavers.
- 4.6 Although the corporate parenting principles are now enshrined in law, nothing is prescribed as to the way in which local authorities should implement those principles nor is it a legal requirement for local authorities to set up a Corporate Parenting Board, it is considered good practice. Corporate parenting is an important part of the Ofsted inspection framework and the Corporate Parenting Principles are referenced in Ofsted's Inspecting Local Authority Children's Services (ILACS) framework. One of the criteria for a 'good' judgement under the Ofsted framework for Inspecting Local Authority Children's Services (ILACS) is that the local authority is 'an active, strong committed corporate parent - in line with the corporate parenting principles'.
- 4.7 Also, although there is now a legislative requirement for partner organisations to co-operate with local authorities to improve the well-being of children in care and care leavers, there is no prescribed method as to how that should be accomplished. A number of local authorities have constituted Corporate Parenting Boards to fulfil this obligation. Derbyshire County Council currently has a well-established Corporate Parenting Board The Board comprises the Cabinet Member for Children's Services (chair), the Cabinet Support Member for Children's Services; a nominated member from the District Council; Lead Members for Children's Services of all non-majority political parties; partner agencies, lead senior officers from across Derbyshire County Council, a nominated representative of Derbyshire's Foster Care Council and young people representing Derbyshire's Children in Care and Care Leavers.

- 4.8 Currently, Board meetings are public meetings and are conducted in accordance with legislation regarding such meetings in that the papers are published and have to be made available five clear working days in advance of the meeting. Membership of the Board is also published. Concerns around maintaining confidentiality of the representatives of the children in care and care leavers' councils; and the foster carer representative who sit on the Board have been raised
- 4.9 Whilst reports containing information regarding individuals who can be identified are exempt from publication, the Board regularly discusses items affecting particular individuals and consequently, a significant amount of the information is confidential.
- 4.10 It has also been identified that the Board itself is rarely required to make decisions. Rather, it is the information discussed at the Board which supports decisions which are made by the Cabinet Member or Cabinet. Therefore, it is apparent that the Board is a forum for discussion with an advisory function, rather than a decision-making one.
- 4.11 Consequently, in order to enable more freedom for discussion around topics which arise on the day, those which relate to identifiable individuals and to preserve the confidentiality of the members of the Children in Care Council, the Care Leavers Council and the Foster Carer Council, it is proposed that the Board be confirmed as being non-decision-making and having an advisory function only. It is also proposed that the status of the Board be re-considered so that it no longer required that meetings be constituted as formal Council meetings which are open to the public.
- 4.12 It is also proposed that the Board membership be revised to remove the requirement for representatives from the following:
- Lead Members for Children's Services of all non-majority political parties
 - Director of Legal and Democratic Services
 - Member of the Improvement and Scrutiny Committee (to be nominated by the Chairman of that Committee).
 - Majority Group Support Member for Children's Services.
- 4.13 Added to the membership are:
- Lead member for Children's Education
 - Shadow Lead Member for Children

- 4.14 The Terms of Reference have been revised to reflect these proposals and the revised Terms are attached at Appendix 2.
- 4.15 The proposed changes to the Terms of Reference also reflect the benefits of improved engagement from external partners and representatives from the Children in Care and Care Leavers' Councils, that were realised through the virtual Board meetings held during the pandemic. It is therefore proposed that going forward, a combination of virtual and in-person meetings are held to continue to benefit from this improved engagement of Board members.
- 4.2 Please see appendix 2 for full terms of reference. Significant elements to highlight are:
- i. To protect confidentiality and identities of the representatives of children in care and care leavers and the foster care council it is imperative that the Board meetings are closed and held within the private domain.
 - ii. Many of the reports submitted to the Board detail information where individuals can be identifiable and, therefore, to protect the identify of those individuals, reports and minutes of Board meetings are classified as restricted and distributed to Board members and made available to the Children in Care and Care Leavers Councils, and will not be made public.
 - iii. In light of the identified benefits of the virtually held meetings during the pandemic, for example, improved engagement of partners and of representatives from the Children in Care and Care Leavers Councils; it is proposed that going forward, the meetings will be held using a blended approach with continuation of virtual meetings, and when and where facilities are available a mixture with members attendance in-person and others to join in virtually, and an agreed number of meetings, per year to be held in-person.
- 4.3 Should Cabinet agree to the proposals made in this report, then it will be necessary for changes to be made to the Constitution. As the meeting will no longer be one which is open to the public, then it is proposed that the Terms of Reference of the Board currently contained at Article 16 of the Constitution be removed.

5. Consultation

- 5.1 It is not necessary for formal consultation to be undertaken, Derbyshire County Council has discretion as to how it meets its obligations under the Children Act 2004 and the Children and Social Work Act 2017 and therefore, this is an administrative decision which Cabinet is entitled to take.
- 5.2 Although formal consultation has not been undertaken the young people involved in Board meetings have expressed the view that virtual attendance aids their confidence in participation. The voice of the young people is a key feature of the Board. Therefore, undertaking meetings virtually has added value. It has also been noted that there is an improved attendance from partner agencies when meetings have been held virtually. Therefore, by meetings being held virtually and in private, the Council will be better able to meet its obligations as a corporate parent.
- 5.3 All Board members have been consulted and indicated that they support of the proposed change of the Terms of Reference.

6. Alternative Options Considered

- 6.1 The current arrangements for holding Board meetings in public could remain in place. However, it has been demonstrated that there is improved attendance and participation if meetings are not within the public domain, and this supports the Council in being better able to meet its obligations as a corporate parent.
- 6.2 The Council could determine not to have a Corporate Parenting Board. However, the meetings provide a valuable forum for discussion which supports the Council in meeting its obligations as a Corporate Parent and to demonstrate that partner agencies are working with the Council to support the Council in meeting its obligations as a corporate parent.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 None

9. Appendices

- 9.1 Appendix 1 – implications
- 9.2 Appendix 2 – Terms of Reference

10. Recommendation(s)

That Cabinet:

- a) Approves the proposal for the Corporate Parenting Board to be convened as an informal advisory group and for it to cease to be a public meeting.
- b) Approves the revised Terms of Reference for the Corporate Parenting Board.
- c) Agrees that the Terms of Reference currently at Article 16 of the Constitution be removed and no longer included and that the required changes be reported to full Council for agreement for those changes to be made.

11. Reasons for Recommendation(s)

- 11.1 To protect confidentiality and identities of the representatives of children in care and care leavers and the foster care council in order to better facilitate discussion and participation at Board meetings to better support the Council in meeting its duties and obligations as a corporate parent.

12. Is it necessary to waive the call in period?

- 12.1 No.

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Implications

Financial

1.1 None

Legal

- 2.1 The Children and Social Work Act 2017 defines the responsibilities of local authorities as 'Corporate Parents' and the principles which must be adhered to. The Children Act 2004 requires that partner agencies as detailed in the report must co-operated with local authorities to improve the well-being of children in care and care leavers and, to an extent, share the corporate parenting responsibility. The Corporate Parenting Board is the forum whereby all agencies meet to discuss both general and specific corporate parenting issues. However, although the Council is required to demonstrate that it meets its duties regarding Corporate Parenting, there is no legal obligation on the Council to have a Corporate Parenting Board, although it is considered to be good practice, and there is no legal requirement for the meetings to be open to the public.
- 2.2 Therefore, Cabinet is able to determine the format, status and membership of any meeting it wishes to convene to support the Council in meeting its obligations as a Corporate Parent.
- 2.3 Under the terms of the Constitution, consideration of the Corporate Parenting Board is an executive function and therefore, a matter for Cabinet. However, any changes to the Constitution which are required as a result of decisions made by Cabinet must be reported to full Council for Council to agree that the required changes be made.
- 2.4 Should Cabinet agree to these proposals, then decision-making would continue to be through the usual Cabinet Member or Cabinet process with decisions and reports being published unless they contain exempt or confidential information.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

- 5.1 An Equalities Impact Assessment has not been completed as this is an administrative decision.

Corporate objectives and priorities for change

- 6.1 No implications for change as a result of the revised Terms of Reference to the Board.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None

**Derbyshire County Council
Corporate Parenting Board (CPB)
Terms of Reference**

The overall objective of Derbyshire's Corporate Parenting Board (CPB) is to assist the Council as a whole in fulfilling its legal corporate parenting obligations to Children in Care and Care Leavers; under the Children Act 1989, the Children (Leaving Care) Act 2000, and new duties and responsibilities under the Children and Social Work Act 2017.

Purpose

The Corporate Parenting Board is an advisory group which:

1. Supports and makes recommendations to the Cabinet Member for Children's Services on matters relating to corporate parenting
2. Advises the County Council on issues relating to looked after children, care leavers and the Council's parenting responsibility

To achieve this, the Corporate Parenting Board will:

- To provide advice and scrutiny in relation to the CPB Annual Action Plan, co-produced with the Children in Care and Care Leavers' Councils.
- Act as advocates for Children in Care and Care Leavers, ensuring their needs are addressed through key plans, policies, and strategies throughout the Council (and its commissioned services).
- Oversee the implementation of Derbyshire County Council's Children in Care and Care Leavers' strategy and monitor the quality and effectiveness of services to ensure they fulfil the council's responsibilities and achieve good outcomes for Children in Care and Care Leavers.
- Monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for Children in Care and Care Leavers and ensure that appropriate action is taken where services fail to respond to their responsibilities for Children in Care and Care Leavers.
- Ensure the voice and opinions of a wide range of Children in Care and Care Leavers are heard, and their views are used to shape policy and monitor performance through their active participation within the council's structure.
- Monitor the quality and care delivered by Derbyshire County Council's homes, fostering and adoption services through the provision of regular

reports including summary reports of Regulation 44 visits and Ofsted inspections and fostering service reports.

- Ensure that the equal opportunities and the diverse needs of Children in Care and Care Leavers are considered and met across all activities.
- Ensure that Derbyshire County Council and all partner agencies follow the pledges made to Children in Care and Care Leavers' Charter.
- Ensure that the achievements of Children in Care and Care Leavers are highlighted and celebrated.
- Receive reports and where necessary provide challenge and scrutiny on all aspects of Children in Care and Care Leavers' welfare including employment, further education, training and housing as required, with sufficient detail to enable The Board to undertake its strategic responsibilities for planning, monitoring and evaluation.
- Report to Cabinet and Children in Care Board on the progress and achievements of the Board against the Annual Key Priority Action Plan.

Membership

Members of the CPB will be invited to Board meetings relevant to their area of service, which will be determined by the theme of the meeting. Elected members will be invited to attend all Board meetings.

Membership of the CPB consists of the following:

- Lead Member for Children's Services (Chair)
- Lead member for Children's Education
- Children in Care and Care Leavers' voice will be represented by the Chair through regular contact with the Children in Care Council and Care Leavers' Council*
- Leader of the Council
- Support Member for Children's Services
- District Council
- Shadow Member for Children's Services
- Executive Director for Children's Services
- Director, Early Help and Safeguarding, Children's Services
- Assistant Director for Specialist Services, Children's Services
- Representative from Foster Care Council
- Head of Children in Care provision, Children's Services
- Named Nurse for Children in Care
- Virtual School Headteacher
- Director, Schools and Learning
- Director, Quality and Performance

- Participation – Head of Service Strategic Lead
- Derbyshire Constabulary Lead, Police and Crime Commissioner
- Assistant Director, Adult Services
- Strategic Health Lead, Clinical Strategic Group.

Other officers may be invited to attend The Board to assist and support as required.

The Vice Chair will be appointed at the first meeting.

Where there is an absence of representation for the Children in Care and Leaving Care Councils, the Chair and Vice Chair will maintain regular communications with the Councils, outside of Corporate Parenting Board activity. The manner and frequency to be agreed jointly.

Substitutions

All nominated regular members will be expected to attend each Board meeting, if necessary, to make appropriate arrangements for substitute representation. If a member is absent for three consecutive Board meetings or does not attend more than 50% of meetings in a 12-month period, the member will be asked to discuss their non-attendance with the Chair/Vice-Chair, who will take appropriate action.

Quorum

The quorum for a Board meeting will be at least one quarter of the membership, including substitutes. The quorum must include at least two Derbyshire Council representatives.

Corporate Parenting Board Meetings

- Will meet bi-monthly.
- Will agree an annual work programme setting out its key priorities and areas for action.
- The agenda will be proposed by the Children in Care Strategic Partnership and agreed by the Chair of the Board.
- Members of the Committee will complete the Corporate Parenting Board membership induction programme and any development or training events.
- Will be closed to members and invited guests only, to protect the identity of the Children in Care and Leaving Care Councils representatives.
- Should the Board be required to make decisions in relation to specific matters in relation to matters relating to children in care and care leavers,

the decision will be made outside of the Board following the usual Cabinet Member process with reference view of the Board on the matter.

- Will maintain minutes of Board meetings for circulation to Board members and make them available to the Children in Care and Care Leavers.
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A blended approach to how the meetings are conducted will be employed, some will be virtual via video link, where facilities are available a mixture with some members attendance in person and others to join in via video link and agreed number of meetings a year to be held in-person.