

Report of the Head of Scrutiny and Member Development

Report to Scrutiny Board (Children and Families)

Date: 26th July 2012

Subject: Terms of Reference – Inquiry into Private Care Homes

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1. Summary of Main Issues

- 1.1 The vision for Leeds is that by 2030 it is a Child Friendly City. The methodology for delivering this vision is defined in The Children and Young Peoples Plan which details five headline outcomes one of which is to ensure Children and Young People are safe from harm.
- 1.2 Following the inquiry into External Placement in 2011/12 the Scrutiny Board (Children and Families) are conscious that children who are looked after often encounter other significant challenges that impact on their achievement and success such as substance misuse, mental health, access to health services, domestic violence, poor school attendance and attainment, worklessness, NEET, youth offending, poverty and teenage parenthood.
- 1.3 Considering these factors at its meeting on the 20th of June 2012, the Scrutiny Board resolved to undertake an Inquiry into Private Care Homes as there was considerable concern about how, as a local authority, Leeds keeps children and young people safe and ensures that the most vulnerable are protected, particularly those who are placed in private care homes from outside the authority area.
- 1.4 The Child Friendly City priority plan states that in a child friendly city all children and young people would have their basic rights met by having a home, feel they have a reasonable standard of living and also be protected from harm. The Board hopes that this inquiry will contribute to achieving this aspiration.

The following matters were specifically highlighted as areas of interest:

- Regulation and inspection of private care homes
- Planning and establishing private care homes
- Community and Local Authority consultation
- Safeguarding vulnerable children and young people

1.5 Additional guidance has been sought from the Children's Services Deputy Director for Safeguarding, Specialist and Targeted Services in order to recommend areas of focus for the inquiry.

2. Recommendation

The Scrutiny Board (Children and Families) is recommended to:

- 2.1 Note the information contained within this report, make further recommendation to update the terms of reference where necessary and agree the terms of reference for the inquiry.
- 2.2 Note that the terms of reference may incorporate additional information during the inquiry should the Children and Families Scrutiny Board identify any further scope for inquiry or request further witness or evidence.

1.0 Purpose of this report

- 1.1 At its meeting on the 20th of June 2012, the Scrutiny Board resolved to undertake an Inquiry into Private Care Homes as there was considerable concern about how, as a local authority, Leeds keeps children and young people safe and ensures that the most vulnerable are protected, particularly those who are placed in private care homes from outside the authority.
- 1.2 The purpose of the inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:
- Regulation and inspection of private care homes
 - Planning and establishing private care homes
 - Community and Local Authority consultation
 - Safeguarding vulnerable children and young people

2.0 Comments of the relevant Director and Executive Member

- 2.1 In line with Scrutiny Board Procedure Rule 12.1 where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director and Executive Member on the terms of reference.

3.0 Timetable for the inquiry

- 3.1 The Inquiry will take place at the Scrutiny Board (Children and Families) meeting on the 23rd of August with a view to issuing a final report in October 2012.
- 3.2 The length of the Inquiry may change.

4.0 Submission of evidence

4.1 August 2012

- Definition of a private care home
- Regulation of private care homes
- Requirements to notify regulatory body and/or local authority before opening a home
- Placement of Children from within the Local Authority area – Statutory requirements and visits
- Placement of Children from outside the Local Authority area – Statutory requirements and clarification of Leeds City Council responsibility for children from outside the area.
- Inter Authority communication – statutory requirements and local networks
- Requirement for owners to consult with local residents and/or ward members
- Requirement for owners to consider schools, facilities, locality and other homes in the area
- Using the planning process – Investigate the potential for greater communication between Development and Children's Services where it is identified that a new property or a change of use is in planning.

- Commissioning – investigate the further potential to utilise commissioning powers to regulate private homes utilised by Leeds City Council
- Safeguarding concerns, current perceived risks and how these could be minimised
- How do we ensure children are achieving and thriving in these settings?

5.0 Witnesses

5.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Officers from Children’s Services
- Officers from City Development Department
- Members of the Childrens Trust Board
- Members of the Leeds Safeguarding Childrens Board
- External Stakeholders and Representatives of multi-agency partners

5.2 The Board will always seek to include the views of children and young people and their parents and carers as evidence to its inquiries wherever possible and practicable.

6.0 Post inquiry report monitoring arrangements

6.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored by the Scrutiny Board

7.0 Measures of success

7.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.

8 Corporate Considerations

8.1 Consultation and Engagement

Where the board deems it appropriate to undertake in consultation in order to conduct the inquiry or gather necessary evidence consultation could be undertaken.

8.2 Equality and Diversity / Cohesion and Integration.

8.2.1 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.

8.2.2 Equality and diversity will be a consideration throughout the Scrutiny Inquiry and due regard will be given to equality through the use of evidence, written and verbal, outcomes from consultation and engagement activities.

- 8.2.3 The Scrutiny Board may engage and involve interested groups and individuals (both internal and external to the council) to inform recommendations.
- 8.2.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity, conducting impact assessments where it is deemed appropriate.

8.3 Council Policies and City Priorities

This inquiry will assist in achieving outcomes and priorities as defined in the Children and Young Peoples Plan 2011-2-15 and the Child Friendly City Priority Plan.

8.4 Resources and Value for Money

There is no resource or value for money implications relating to this report. At the conclusion of the inquiry any identified impact will be reported in the final inquiry report.

8.5 Legal Implications, Access to Information and Call In

None

8.6 Risk Management

None

8.7 Recommendations

The Scrutiny Board (Children and Families) is recommended to:

- 8.7.1 Note the information contained within this report, make further recommendation to update the terms of reference where necessary and agree the terms of reference for the inquiry.
- 8.7.2 Note that the terms of reference may incorporate additional information during the inquiry should the Children and Families Scrutiny Board identify any further scope for inquiry or request further witness or evidence.

8.8 Background documents¹

None

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.