



Report of the Director of Children and Families

Report to Corporate Governance and Audit Committee

Date: 23rd November 2018

Subject: Children and Families – Decision Administration

Are specific electoral wards affected? If yes, 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

Summary of main issues

1. This report provides an update to committee on delegated decision arrangements in Children and Families following concerns raised by the committee in June 2018.

Recommendations

Members are asked to note the report and the positive assurance that arrangements are in place to ensure compliance with statutory and corporate requirements.

1. Purpose of this report

- 1.1 This report provides an update on Children and Families decision making arrangements following consideration of the Annual Decision Making Assurance report from the City Solicitor.
- 1.2 The report provides assurance that arrangements are in place to ensure compliance with statutory and corporate requirements and that the backlog of significant operational decisions in respect of placements has been addressed. It also assures Members that no children were at risk because of a backlog in publishing placement decisions.

2. Background information

- 2.1 On 26th June 2018 Corporate Governance and Audit Committee received the Annual Decision Making Assurance report from the City Solicitor. Members queried the decision monitoring within the Children and Families Directorate noting that in the months of January and February there was a large number of decisions published as a result of a backlog in publishing significant operating decisions relating to both the placement of children and approvals relating to the employment of children. Members were informed that the decisions took place in a timely manner and that the delay in publication did not negatively impact on the placement or wellbeing of children. An explanation was sought from the Director of Children and Families as to why there were delays in the first instance and that none of the delays impacted on children and that arrangements were in place to prevent any recurrence.
- 2.2 Further information from the Children and Families Directorate was circulated on the 16th July 2018 in response to the issues raised by Members at the 28th June 2018 meeting. For ease of reference, that information is repeated in 2.3 to 2.6 below.
- 2.3 Owing to staffing vacancies and subsequent appointment of new staff in both the placement and fostering teams the completion of delegate decision notices (DDN) for placements were delayed. Once the issue was identified the governance officer supporting Children and Families worked with colleagues in the placement and fostering services to train new staff on the completion of the documentation. This work resulted in an increase in the volume of decisions being published at the beginning of 2018. Since that time, decisions are published and recorded in a timely manner.
- 2.4 At no time during this period were children and young people disadvantaged, as placements were made in a timely manner by professionals. Before any placement is agreed the placement service seek permission from the relevant head of service and for external residential placements permission is also sought from the Deputy Director. The placement team have to evidence the steps they have taken to identify a suitable placement and that every attempt has been made to place the child in internal provision.
- 2.5 During this period there was also a planned audit review of 'Approval to commence care proceedings and payments to providers of external placements (residential and independent fostering agencies- follow up 2017-18' taking place and one of the objectives assessed was 'to gain assurance that the decision to commence care proceedings has been correctly authorised and recorded in line with the Council's decision making process.' The reason for the backlog and the plans we had put in place to address the issue and to get the decisions published as soon as possible was discussed with the auditor. Also discussed was how the placements team's recording of the published decisions could be improved. Since the audit we have put in place procedures to record the publication number for significant operational decisions so the service can easily identify those decisions that have yet to be published.

- 2.6 Children and Families have also agreed the scope for an audit of their internal governance arrangements. This review is welcomed and will inform further improvements in processes and procedures.
- 2.7 Members requested that a further report back to the Committee is included in the work programme to address the following questions.
- How many of the Significant Operational Decisions (SOD) were delayed and for how long?
 - Did the Director and Executive Member know of the delays and, if so, for how long?
 - In respect of the current publication arrangements, what time periods/publication regime is now in place and is there a local performance indicator for this?

3. Main issues

SOD Delays

- 3.1 During the 2017/18 financial year, Children and Families took 205 SODs out of a total of 885 SODs taken by officers, the Leader and Executive Board. For Children and Families, there was a peak in the number of SODs taken in January 2018 and, to a lesser extent, in February 2018. 93 SODs were taken in these two months of which 58 related to placements. In reality, some of those SOD taken in January and February related to those months and therefore those notices that were published late relate to approximately 50 decisions. The publication of those 50 decisions notices were delayed by between one month and one year as the placement decisions were made during the course of the year but not formally recorded on a delegated decision notice and published until January and February 2018. It should be noted that the placement decision was recorded on the child's record at the time that the placement decision was made. Consequently, no children were put at risk.

Knowledge of the Delays

- 3.2 The Director was informed of the delays in November 2017 when the governance officer became aware of the issue.
- 3.3 The Executive Member was not informed at the time as these were significant operational decisions. Constitutionally, decisions in respect to placements for children looked after are delegated to the Director of Children and Families. Decisions in relation to individual child placements of £300k or more per year are retained by the Director. Decisions under £300k are sub-delegated to the Deputy Director Children & Families Social Care and decisions below £250k can also be taken by the Head of Service Children Looked After.
- 3.4 These decisions do not fall within the definition of key decisions, even if over the £250k financial threshold, as they relate to the approval of individual care plans and are therefore exempt. This exemption is in line with the guidance set out in the modular constitution in relation to community impact. All decisions in relation to the placement of children valued at £100k or more therefore require publication as significant operational decisions. As with all significant operational decisions they can be implemented as soon as the decision is taken. Any delay in publishing the decision does not impact adversely on the child being placed.

Current Publication Arrangements

- 3.5 Delegated decision notices are published as soon as is practicable, usually within a few days of being signed. The placements service currently send through the decisions in batches so some have a short delay in being signed and published. The reason that they are batched is to make for a more efficient administrative process. The requirement to publish a significant operational decision does not delay the implementation of the decision which can take place as soon as the decision has been taken.

- 3.6 There are currently no local performance indicators that monitor the timely publication of SODs. That said, in this case the Annual Decision Making Assurance report from the City Solicitor to this committee has been instrumental in highlighting the issue and, although already identified by the directorate by the time the report was considered by the committee, has effectively acted as a back stop control in reporting an anomaly in the incidence of SODs being published.
- 3.7 The Governance Officer supporting Children and Families maintains two logs of all delegated decisions so that progress on each decision can be tracked; one daily log of pending decisions such that progress can be tracked and a list of all delegated decisions taken.
- 3.8 The log of completed decisions records whether a decision is an administrative decision, significant operational decision or key decision. The log lists each decision taken by the directorate in accordance with the Director's sub-delegation scheme, recording the title of the delegated decision report, the author, the type of decision, the signatory to the decision and, in the case of significant operational decisions and key decisions that must be published, the reference number of the delegated decision notice. This is done by including a link on the relevant line in the log that takes you straight to the published decision.
- 3.9 In order to provide some additional context, since the start of the year, the log includes details of 108 administrative decisions, 101 significant operational decisions (not including placement decisions) and 23 key decisions. The daily log is reviewed to help ensure completeness and act as a check and cross reference to those decision published in the usual manner.
- 3.10 Arrangements are also in place such that the relevant Executive Member is briefed on key decisions that are to be published on the list of forthcoming key decisions. In short, the Executive Member is briefed on the nature of forthcoming key decisions before they are published.
- 3.11 Significant operational decisions are locally defined as there is no legislative requirement to publish decisions in this category. However the Openness of Local Government Bodies Regulations 2014 require that certain decisions in relation to Council functions are published "as soon as reasonably practicable". This requirement was applied to the publication of all significant operational decisions when the Executive and Decision Making Procedure Rules were amended to reflect the practice of batch publishing which had been introduced in response to the high volume of decisions which the 2014 Regulations required to be published.
- 3.12 The requirement to publish a significant operational decision is therefore met by the publication of a delegated decision notice together with supporting report as soon as reasonably practicable after the decision has been taken. For one off decisions this will usually mean that the decision is published within days of being taken, however where there are a high volume of related decisions (for example child licenses) these may be collated into one report published at the end of a month.
- 3.13 Children and Families directorate, unlike other directorates, keeps a central record of all administrative decisions that are approved and recorded on a delegated decision notification form. This is not a corporate requirement but is felt to be good practice.

Audit Review

- 3.14 The Internal Audit Review mentioned at 2.5 above is coming to a conclusion but the final report, at the time of writing, has not been issued. In accordance with agreed practice, the result of the audit will be reported to the Committee in the next available regular Internal Audit update report. That said, and following discussion with the auditors, no significant issues have emerged at this point.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 This report responds to questions raised by Members of the Committee so that it might meet the responsibilities set out in the committee's terms of reference.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

4.3.1 The report responds to Members' questions on the Council's decision making arrangements such that the committee can further assess the adequacy of the council's corporate governance arrangements.

4.4 Resources and value for money

4.4.1 The systems and processes in place to meet the requirements of the decision making framework do so from within existing resources.

4.5 Legal implications, access to information, and call-in

4.5.1 The Council's decision making framework meets the statutory requirements in relation to decision making and monitoring of relevant performance indicators ensures compliance.

4.6 Risk management

4.6.1 The report and the assurance provided gives additional evidence that the Council's decision making framework is fit for purpose.

5. Conclusions

There was a backlog in the publication of significant operational decisions in respect of placement decisions due to staff vacancies. Once identified, arrangements were put in place to deal with the backlog and ensure the decisions were duly published. At no point were children at risk as the placement decisions were made in an appropriate and timely manner.

6. Recommendations

6.1 Members are asked to note the report and the positive assurance that arrangements are in place to ensure compliance with statutory and corporate requirements.

7. Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

