

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Corporate Parenting Board
<b>Date:</b>	8 November 2023
<b>Title:</b>	Hampshire's Readiness to meet Recommendations from Phase 2 Report: Child Safeguarding Review Panel – Safeguarding Children with Disabilities and Complex Health Needs in Residential Settings
<b>Report From:</b>	Director of Children's Services

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#### Purpose of this Report

1. The purpose of this report is to provide an update on Hampshire's readiness and current compliance in respect to the nine recommendations and eight supplementary recommendations contained within the phase two report from the Child Safeguarding Review Panel – [Safeguarding Children with Disabilities and Complex Health Needs in Residential Settings](#).

#### Recommendation

2. That the Corporate Parenting Board notes the report and is further assured by the work being undertaken locally by Hampshire partners in response to the national reports from the Child Safeguarding Review Panel.

#### Executive Summary

3. The Child Safeguarding Review Panel has undertaken a national review of children with disabilities and complex health needs in residential settings. This was in response to the experiences of children and young adults with this high level of need who had been placed at three residential settings run by the Hesley Group in Doncaster, where they experienced significant neglect, abuse and harm.
4. The review has been undertaken in two parts and this report is in response to the publication of phase two. The Corporate Parenting Board has previously been presented with a paper in response to phase one that provided assurance to the Board on the assurance framework in place for Hampshire children in such settings. The phase two report from the National Panel included nine recommendations and eight supplementary recommendations and this report is effectively a position statement of where

Hampshire is currently situated in response to those recommendations. It is worth noting that many of the recommendations are national in scope, and therefore beyond the control of Hampshire to deliver. Many will require further detail or guidance from national bodies before we can fully explore their implications.

5. This report demonstrates that Hampshire Children's Services and partners are in a strong position to fulfil what is currently known about both the nine national recommendations and eight supplementary recommendations. Whilst many of the recommendations require further detail and guidance from national bodies before we can be confident in what they mean, we can be confident about some of them. Specifically, the recommendations about having an advocacy process in place, whether our SENDIASS contract is well established, that the role of our Quality Outcome Contract Monitoring (QOCM) is strong and being further developed and there are both established and further emerging joint processes of assurance with our health colleagues.
6. Possible areas of development following further guidance and clarity may indicate an expansion of the current advocacy service, while Hampshire Childrens Services are currently able to meet demand, a significant increase in demand as a result of the recommendations would require an increase in commissioning of services. SENDIASS are currently reviewing their processes, it is important they consider the detail of the recommendations in their review to ensure compliance. Where statutory guidance is recommended, for example recommendation 3, when it is forthcoming Hampshire partners will need to ensure they are ready to respond to any consultations and latterly implement resulting guidance.

## **Contextual information**

### Introduction

7. On 23 August 2022, the Child Safeguarding Practice Review Panel wrote to all Directors of Children's Services (DCS's) asking them to undertake two urgent actions arising from phase one of their national review into safeguarding children with disabilities and complex health needs in residential settings.
8. On 28 March 2023 a report was submitted to the Corporate Parenting Board, having reviewed the above request, the actions required were undertaken and evidenced within the report. The Corporate Parenting Board were assured that all Hampshire children in such settings were safe and adequately safeguarded and that Hampshire had sufficient processes in place to maintain this assurance or respond quickly and appropriately if issues were identified.

9. In April 2023 the Child Safeguarding Practice Review Panel Phase 2 report was released. This report contained nine national recommendations and nine supplementary recommendations.
10. This report reviews how Hampshire partners are situated in regard to the nine national recommendations and nine supplementary recommendations, and what further actions are required in order either be compliant or prepare to be compliant following a further national response.
11. There has been consultation with a wide variety of partners, including various Children's Services and health colleagues.

### **Recommendations & Response**

12. The phase two report contained the following recommendations, below each is how Hampshire partners are either currently meeting the recommendation or what is in place to meet the recommendation:
13. Recommendation 1: All children with disabilities and complex health needs should have access to independently commissioned, non-instructed advocacy from advocates with specialist training to actively safeguard children and respond to their communication and other needs.
14. Hampshire Children's Services currently has commissioning arrangements in place for an advocacy service, these arrangements are jointly commissioned with Adults, Care and Health. The Authority are currently able to meet the demand for advocacy however, this is being reviewed due to the contract currently being refreshed and this process is undertaken every three years providing a helpful review point to ensure sufficiency.
15. Recommendation 2: Where an admission to a residential placement for 38 weeks or more is being considered, children, young people and their parents should have access to advice and support through their jointly commissioned and suitably resourced local Special Educational Needs and Disability Information Advice and Support Service, with allocation of a 'navigator' to work with the family where this is identified as being necessary.
16. Hampshire has a Special Educational Needs and Disability Information Advice and Support Service (SENDIASS) contract. The service uses caseworkers rather than navigators but the function is essentially the same. However, currently children would only be allocated a caseworker if they met their eligibility criteria and a 38-week placement or more does not currently provide standalone eligibility for a caseworker.
17. SENDIASS at the behest of our commissioners are currently reviewing their criteria, they are considering including placements over 38 weeks as a trigger to consider if more support is needed to navigate the process.

18. Recommendation 3: Local authorities and ICBs should be required in statutory guidance developed by the Department for Education and NHS England to jointly commission safe, sufficient, and appropriate provision for children with disabilities and complex health needs aligned with local inclusion plans and planning for care through Regional Care Cooperatives.
19. This is not currently in statutory guidance and the detail is as yet unknown. However, Hampshire Children's Services and the ICB pursue joint commissioning opportunities under the umbrella of the Joint Commissioning Board (JCB) and are also currently further integrating their commissioning arrangements to include services for this cohort of children. As further information emerges from the national stage, the JCB will ensure that we are best placed to respond quickly and appropriately.
20. Recommendation 4: The DfE, DHSC and NHS England should co-ordinate a support programme for commissioners in local authorities and ICBs, focusing on improvements in forecasting, procurement, and market shaping.

Hampshire Children's Services have recently completed a sufficiency strategy that covers the next five years up to 2027 (based on last full year data available 2021/22). There is a senior manager who has the strategic lead for this work and the forecasting used for the strategy was developed by using a tool developed specifically for the purpose. There is lots of confidence in this tool and the data it provides, using national modelling and local knowledge. The strategy will be revised and refreshed annually and is reported on regularly to the directorate Management Team. If and when a national support programme is developed, we will engage with that programme.

21. Recommendation 5: Local and sub-regional initiatives to improve the quality and range of provision in the community and in schools for children with disabilities and complex health needs should be priorities for inclusion in the government's pathfinder programmes in children's social care and SEND.
22. Commissioning related to support services, respite and domiciliary care is led by Hampshire Children's Services. Contracts and frameworks are currently in place and there is a quality assurance framework applied to these services. The contracts and frameworks are reviewed regularly and discussions with the market take place where sufficiency issues arise fed by feedback from our operational teams. Hampshire Children's Services and the ICB are currently developing a more joined up approach to commissioning some of these services.
23. Recommendation 6: The government should commission the development of an integrated strategy for the children's workforce in residential settings, to include leadership development, workforce standards and training.
24. Hampshire Children's Services has a robust programme of workforce development for our in-house residential settings, though we have no in-

house provision for this cohort of children. Any support from a national integrated strategy will be welcome and engaged with. We are awaiting the details and are in a position to contribute to consultations.

25. Recommendation 7: National leadership and investment by providers are urgently required to address the longstanding challenges in recruiting, retaining, and developing a skilled workforce in residential settings.
26. As described above Hampshire Childrens Services has a programme of work to tackle these issues locally and will welcome the opportunity to participate in consultations and engage with a national response.
27. Recommendation 8: Systems for the early identification of safeguarding risks in residential settings should be strengthened through an enhanced role for host local authorities and ICBs in the oversight of residential settings in their area.
28. Hampshire partners have developed a Quality outcome contract monitoring (QOCM) process. We are able to identify and respond to any issues where Hampshire children are placed and respond to those providers offering services within the Hampshire boundaries whether Hampshire children are involved or not. Whilst this process continues to be developed under a continuous improvement programme, we are confident that Hampshire partners are ahead of the game in this regard compared to our neighbours.
29. Recommendation 9: The DfE and DHSC should (a) review and revise the regulatory framework for residential settings to reduce complexity and improve the impact of the current arrangements for monitoring, quality assurance and oversight; (b) take immediate steps to establish arrangements for joint inspection by Ofsted and CQC of residential settings for children with disabilities and complex health needs.
30. Hampshire partners will take a view on the proposals when they have been developed and published.

### **Supplementary Recommendations & Response**

31. Supplementary recommendations These are recommendations to be taken forward through national implementation plans or local partnerships.
32. Supplementary Recommendation 1: To ensure that practitioners understand the requirements for legally compliant practice in relation to Deprivation of Liberty Safeguards local authorities, health services and residential settings should review their current systems, procedures, and practice to determine their readiness for meeting the requirements under this framework.
33. Hampshire Children's Services primarily take the lead in most DOLs applications at the current time. A training offer is in place and has been

delivered widely. In-house legal support is also available and accessed regularly. Preliminary discussions have been held at the JCB in advance of the replacement for DOLs, the Liberty Protection Safeguards (LPS) but implementation of these have now been delayed nationally. The JCB will gather the information required and consider how such a review might be undertaken before the end of the year.

34. Supplementary Recommendation 2: The specification for the Regional Care Cooperative pathfinders should include measures to improve commissioning for children with disabilities and complex health needs.
35. Hampshire Children's Services and partners will contribute to the development of Regional Care Cooperatives and the associated frameworks when those opportunities arise, however, it is still very early days and currently, we are only beginning to be involved in the preliminary work.
36. Supplementary Recommendation 3: The Families First for Children pathfinders should include programmes focused specifically on the development of integrated provision in the community and in schools for children with disabilities and complex health needs.
37. The FFC pathfinder was announced in February 2023 as part of the government's children's social care implementation strategy, Stable homes, built on love. It responds to recommendations from the Independent review of children's social care, the Child Safeguarding Practice Review Panel report on child protection in England and the Competitions and Market Authority's market study of children's social care provision. The pathfinder will test delivery of key strategy commitments. Whilst Hampshire Children's Services are not pathfinders, we are in the process of developing and rolling out a Family Help model, this will result in a more integrated service, removing the division between Tier 3 and Tier 4 services and developing a more community hub-based model of delivery.
38. Supplementary Recommendation 4: All children with disabilities and complex health needs who are on a pathway for admission to residential placement longer than 38 weeks per year should be part of a Care, Education and Treatment Review process. No decision should be made without multi-agency agreement and commitment.
39. Hampshire partners utilise the Care Education and Treatment Review (CETR) process. Hampshire Children's Services and ICB colleagues have recently agreed to review the integration of the CETR process with assessment planning and review processes required for all children with a social worker. The intent is to improve multi-agency decision making and remove duplication. This recommendation has been included in that work to ensure that multi-agency agreement and commitment is in place for all children in this cohort.

40. Supplementary Recommendation 5: To assist the understanding of all staff, statutory guidance about the inherent risks from 'closed cultures' should be included in 'Working Together to Safeguard Children' and 'Keeping Children Safe in Education'.
41. Hampshire partners welcome any measure that improves understanding of the risks that can arise in some residential settings and care provision. Hampshire partners fully engage in the QOCM process described above which provides assurance and scrutiny to placements. In addition, Hampshire Children's Services have taken learning from some of the audit and scrutiny work undertaken for the phase one report and have revised our tools and processes as a result. It is important that visits to young people in residential establishments include checks of the young persons records, ensuring the care plan is followed and incident reports are reviewed and questioned where appropriate.
42. Supplementary Recommendation 6: Practice leadership should form the basis for a national programme of leadership development for leaders and senior managers in residential settings for children and young people.
43. Hampshire partners support a programme of development for leaders and senior managers in residential settings and will contribute to the development as and when the opportunity arises.
44. Supplementary Recommendation 7: A SEND practice guide for practitioners working with children with disabilities and complex health needs should be one of the first three SEND practice guides produced under the SEND/AP Improvement Plan.
45. Hampshire partners recognise the benefits of a SEND practice guide for practitioners working with children with disabilities and complex health needs and will contribute to the development of this as and when the opportunity arises.
46. Supplementary Recommendation 8: The process for developing national SEND standards should be aligned with the work already underway relating to standards in children's social care so that they are completed in a timely way for residential special schools as well as children's homes.
47. Hampshire partners will contribute to the development of such standards as and when the opportunity arises.

## **Finance**

48. N/A

## **Performance**

49. N/A

## **Consultation and Equalities**

50. N/A

## **Climate Change Impact Assessment**

51. N/A

## **Findings and Conclusions**

52. Hampshire partners are well positioned to meet the recommendations that we can meet, through both already established processes and ongoing work within the Authority. There is an advocacy process in place, our SENDIASS contract is well established and already considering using placements over 38 weeks as a trigger to consider if additional support is required.
53. Hampshire partners are already working to further integrate our commissioning arrangements, including for this cohort of children. Hampshire Children's Services have developed a sufficiency strategy using reliable forecasting tools and is able to ensure decision making is informed and evidence based.
54. The JCB provides an effective vehicle for the development of further integration of commissioning and associated arrangements between local partners.
55. Hampshire partners have developed the QOCM process and continue to refine it to ensure we are well placed to identify and manage safeguarding concerns in local establishments or wherever Hampshire children are placed.
56. Where there are nationally led standards and frameworks being considered, Hampshire partners are in a good position to contribute to the discussions and help shape the future arrangements.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy, and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**