

Minutes of the Safe and Strong Communities Select Committee Meeting held on 5 November 2020

Present: John Francis (Chairman)

Attendance

Ann Beech
Ron Clarke
Ann Edgeller
Bryan Jones

Jason Jones
Paul Snape
Bob Spencer (Vice-Chairman)
Mike Worthington

Apologies: Trevor Johnson

PART ONE

45. Quorum

The Chairman confirmed that the meeting was quorate.

46. Declarations of Interest

There were no Declarations of Interest made.

47. Minutes of meeting held on 13 October 2020

RESOLVED – That the minutes of the meeting held on 13 October 2020 be confirmed and signed by the Chairman.

48. Customer Feedback and Complaints Service - Adults Social Services Annual Report 2019-20

The Committee considered a report of the Cabinet Member for Health Care and Wellbeing informing them of the Customer Feedback and Complaints Service – Adults Social Services Annual Report 2019/20 (schedule 1 to the signed minutes).

The Annual report had been prepared in order to comply with the Authority's statutory duty to publish details of complaints made under the NHS and Community Care Act 1990 and Local Authority Act 1970. Complaints against the County Council and Midlands Partnership NHS Foundation Trust (MPFT) (who, delivered Adult Social Care and Older People's front line services on behalf of the Authority) during 2019/20 required:- (i) 187 Stage 1 – Local Investigations and; (ii) 35 Stage 2 - Local Government and Social Care Ombudsman investigations. In addition, there had been a further 114 complaints which had been handled and resolved informally. However, there had been no complaints requiring independent investigation.

Members noted that there had been a steady increase in the number of complaints received over the previous two year from 2018/19. The majority of complaints during 2019/20 were in respect of “Poor Communication” and “Care Management” by staff (32%) and the service area to have received most complaints was the Fairer Charging Service (38%).

During the discussion which ensued Members gave careful scrutiny to the Annual report, asked questions and held the Cabinet Member to account. In response to a point by a Member regarding the use of ‘plain’ English, the Cabinet Member informed them of a Task and Finish Group which had been established by the Authority with a view to improving the clarity of communication with service users. However, he acknowledged the challenges associated with an increased use of on-line/digital technology and referred the measures they were implementing to provide greater assistance in this area.

The Chairman expressed concern that 50% of complaints received by the Care Commissioning Service were in respect of services provided by a Care Provider. In response, the Cabinet Member highlighted that only 28 complaints had been escalated to the County Council for investigation during the year which represented 15% of the total. However, the Authority were currently working with MPFT to understand more about the issues raised and context surrounding those which had been escalated.

In response to a request from a Member, the Cabinet Member undertook to supply them with details of the complaints received during 2019/20 from service users in Staffordshire Moorlands District.

In conclusion, Members said that they were satisfied the Authority had taken appropriate steps to resolve individual complaints and improve service delivery, where necessary since 2019/20. Also, they were encouraged that the total number of complaints had been relatively small having regard to the extent of Adult Social Services provision although they recognised the likely impact of the current Covid-19 pandemic on the statistics for 2020/21 when they became available.

The Chairman then thanked the Cabinet Member for his attendance and opportunity to give constructive scrutiny to the above-mentioned matters for the benefit of residents of the County.

RESOLVED – That the report be received and noted.

49. Customer Feedback and Complaints Service - Children's Social Services Annual Report 2019-20

The Committee gave preliminary consideration to a report of the Cabinet Member for Children and Young People informing them of the Customer Feedback and Complaints Service – Children’s Social Services Annual Report 2019/20 (schedule 2 to the signed minutes).

The Annual report had been prepared in order to comply with the Authority's statutory duty under the Children Act 1989 Representation Procedure (England) Regulations 2006 to publish details of (i) the number of complaints recorded regarding children's services; (ii) the outcome of each complaint made and; (iii) whether relevant statutory timescales had been adhered to.

Members noted that during 2019/20 there had been a total of 137 complaints investigated through the various statutory complaints' procedures comprising:- (i) 124 dealt with under Statutory Stage 1 (local resolution) procedures; (ii) 12 dealt with under Statutory Stage 2 (independent investigation) procedures and; (iii) 1 dealt with under Statutory Stage 3 (Complaint Review Panel) procedures. In addition, a further 187 complaints had been dealt with under the County Council's own Corporate Complaints Procedures and 47 investigated by the Local Government and Social Care Ombudsman. However, there had also been 225 complements received by the Authority relating to Children's services.

The Cabinet Member undertook to provide further details of the matters contained in the report including lessons learned to their next meeting for full and detailed scrutiny could be provided.

RESOLVED – (a) That the report be received and noted.

(b) That the Customer Feedback and Complaints Service – Children's Social Services Annual Report 2019/20 be brought to their next meeting for further consideration.

50. Court Backlog: Impact on Children's Social Care

The Committee considered a report of the Cabinet Member for Children and Young People regarding a backlog in the Court/judicial system which had been exacerbated by the 2020 Covid-19 pandemic and its impact on the delivery of children's social care services in Staffordshire (schedule 3 to the signed minutes).

The President of the Family Division issued instructions on 19 March 2020 that all family hearings should take place remotely until further notice, unless fairness and justice required that a court-based hearing should be conducted. This coincided with in the introduction of national social distancing measures in an attempt to stem the spread of the virus. Since that time, substantial delays in proceedings were being experienced owing to (i) the requirements of remote hearings; (ii) a shortage of judges and; (iii) Magistrates having stopped sitting causing an increase in cases referred to District and Circuit Judges.

During the early stages of lockdown, in order to manage their case lists, judges had been forced to reduce the time allocated for hearings, vacate scheduled hearings and list only urgent cases. Most contested fact findings or final welfare hearings had been adjourned and the inability of Local Authorities to conduct specialist assessments in a timely way was a further contributory factor to court proceedings being delayed.

In Staffordshire, whilst new and urgent care proceedings had continued to be issued to safeguard children requiring immediate protection, the overall impact of the above-mentioned delays remained significant. In particular there had been:- (i) an increase in the numbers of looked after children (owing to planned discharges, SGO's and Adoption Orders not being made); (ii) an increase in social workers' workloads arising from (i) above; (iii) issues in respect of care assessments becoming outdated; (iv) an increased risk of birth parents challenging Adoption Orders on the basis of a change in circumstances; (v) disruption in the bonding process between adoptive parents and children; (vi) a decrease in opportunities for older 'hard to place' children to achieve permanency. However, the County Council were actively working with partners and the judiciary to identify opportunities to reduce pressures in the court system and associated financial consequences on the Authority.

During his presentation of the report, the Cabinet Member highlighted that there were currently 60 proceedings in motion together with various other Adoption Orders which could not be completed at present owing to the backlog. However, he referred to regional meetings which had been held with Judge HHJ Sonia Harris regarding implementation of a Court Recovery Plan and informed them that additional time had been identified during December 2020 for her to consider Adoption Orders relating to Staffordshire Children. In addition, a further such session was to be arranged in January 2021. The Cabinet Member went on to re-assure them that representations made by the County Council were helping to highlight the backlog and associated problems with the Ministry of Justice, Department of Education, and HM Court and Tribunal Service etc so that appropriate solutions could be found, as a matter of urgency. He also referred to the on-going financial implications for the County Council arising from the continued delays.

During the discussion which ensued Members expressed serious concern over the impact of the court backlog on the welfare of children in the County. They acknowledged the importance of the Authority's safeguarding role and hoped that progress could be made in reducing the volume of outstanding cases, as soon as possible. However, they acknowledged that the County Council had worked in partnership with other agencies in an attempt to mitigate the effects of the current situation and recognised that efforts were being made by Government and judiciary to address the problem.

The Chairman then thanked the Cabinet Member for his attendance and opportunity to give constructive scrutiny to the above-mentioned matters for the benefit of residents of the County.

RESOLVED – (a) That the report be received and noted.

(b) That the Committee be kept informed of any further developments relating to Court Backlog: Impact on Children's Social Care so that further scrutiny could be given, as appropriate.

51. Impact of Covid-19 on Children appearing in Criminal Courts

The Committee considered a report of the Cabinet Member for Children and Young People regarding the impact of the 2020 Covid-19 pandemic on children appearing in Criminal Courts (schedule 4 to the signed minutes).

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 introduced a new remand framework for 10 to 17-year olds and provided that every child or young person remanded to Youth Detention Accommodation (including either a Young Offender institute, Secure Training Centre (STC) or Local Authority Secure Children's Home (LASCH)) automatically had 'Child in Care' status. A new funding formula for children on remand accompanied the Act which removed the previous 75% subsidy received by Children's Directorates for those remanded to local authority secure accommodation.

Children aged 15 years and under were more likely to be remanded to LASCH or STCs (the most expensive types of remand establishments) owing to their vulnerability. Generally, children on remand to Crown Court were accused of very serious offences and/or had an adult co-accused. In these circumstances sentencing of offenders took place together and resulted in extended remand periods placing additional pressures on budgets.

The 2020 Covid-19 had significantly impacted on the ability of Courts to operate within their usual time limits. This particularly affected Crown Courts and children awaiting trials alongside adults. Whilst the maximum recommended time a child should spend on remand was six months, courts were applying discretion to custody time limits owing to the significant backlog caused by the pandemic. This meant that currently there were more children on remand for longer periods and therefore 'looked after' for longer than usual.

In Staffordshire, of the three children currently on remand two had reached their six-month custody time limit. Whilst they were found guilty at the beginning of September, sentencing (which would normally take place within three weeks of the verdict) had been delayed until mid-November 2020 placing an additional cost of approximately £19,000 on the remand budget.

Whilst the 2020/21 projected overspend in the remand budget (based on analysis of the first four months of the year) was £192,000 the Staffordshire YOS Management Board had identified underspends in other pooled budgets which would cover the costs of remands during the year. However, in the event the current situation continued beyond April 2021, the partnership had no identified funding available.

Concerns regarding the impact of the pandemic on the YOS both in terms of the effect on children's health and welfare and budgets had been raised with relevant stakeholders including:- (i) the Youth Justice Board; (ii) Youth Custody Service; (iii) House of Commons Justice Select Committee; (iv) Her Majesty's Courts and Tribunal Service; (v) Staffordshire Police and; (vii) Stoke-on-Trent and Staffordshire Safeguarding Board.

During his presentation of the report, the Cabinet Member highlighted that 132 children were currently awaiting sentencing in Staffordshire. Steps had already been taken by the Authority to increase capacity so that the consequences of those cases in the YOS could be dealt with once the court processes had concluded. In the meantime, requests had been made for Out of Court Discharges for minor offenses, where appropriate and support was being provided to those children and families (including the three on remand) concerned.

In the discussion which ensued Members expressed serious concern over the impact of the current situation on the health and wellbeing of young people. However, they acknowledged that the County Council were working in partnership with other agencies in an attempt to mitigate the social and financial effects of the pandemic and paid tribute to the Cabinet Member, his staff and wider YOS for their continuing efforts to safeguard vulnerable children in difficult circumstances. Whilst the number of young people currently on remand in the County was relatively small, they looked forward to a resolution of the issues which had been highlighted in the criminal justice system, as soon as possible.

The Chairman then thanked the Cabinet Member for his attendance and opportunity to give constructive scrutiny to the above-mentioned matters for the benefit of residents of the County.

RESOLVED – (a) That the report be received and noted.

(b) That the Committee be kept informed of any further developments relating to the impact of Covid-19 on children appearing in Criminal Courts so that further scrutiny could be given, as appropriate.

52. Work Programme

The Committee considered a rolling Work Programme for 2020/21 (schedule 5 to the signed minutes).

RESOLVED – (a) That the report be received and noted.

(b) That, with the addition of:-

- “Customer Feedback Complaints Service – Children’s Social Services Annual Report 2019/20” and;
- “Safeguarding Adults on the Cusp of Care”,

to the list of business for transaction at their meeting on 11 January 2021, the Work Programme be approved.

(c) That the updated Work Programme 2020/21 be brought to their next meeting for approval.

53. Exclusion of the Public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), indicated below:-

PART TWO

54. Exempt minutes of meeting held on 13 October 2020

(exemption paragraph 3)

RESOLVED – That the exempt minutes of the meeting held on 13 October 2020 be confirmed and signed by the Chairman.

Chairman