

Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	Executive
Date:	09 July 2019
Subject:	Final Report from the Transitions Scrutiny Review
Decision Reference:	N/A
Key decision?	No

Summary:

On 30 May 2019, the Overview and Scrutiny Management Board approved the attached scrutiny report on Transitions for submission to the Executive. The report makes a total of three recommendations.

This covering report constitutes the Committee's formal notice under section 9FE(3) of the Local Government Act 2000 to The Executive is requiring the Executive to receive the report and make arrangements for responding to the report by 5 September 2018. This is to comply with the legal requirement contained in the Local Government Act 2000 section 9FE requiring the Executive to respond within two months.

Recommendation(s):

- 1) That the Executive consider the Transitions Scrutiny Review final report.
- 2) That the Executive make arrangements to respond to the report within two months and:
 - (a) to indicate in the response which recommendations have been accepted; and
 - (b) where recommendations are accepted, to bring forward an action plan for their implementation.

Alternatives Considered:

The Executive is legally required to respond to the report within two months. The Executive has the option to accept or not accept each of the recommendations included in the report.

Reasons for Recommendation:

To comply with the legislative and constitutional requirement on the Executive to consider and respond to reports from overview and scrutiny committees within two months.

1. Background

The Overview and Scrutiny Management Board endorsed the terms of reference for the 'Transitions Scrutiny Review' on 30 August 2018. The purpose of the scrutiny review was to consider the individual experiences of young people transitioning into adulthood for those young people with more complex educational needs who receive support through an Education, Health and Care plan (EHCP); and for those young people who are Looked After Children (LAC).

The main lines of enquiry for the scrutiny review were as follows:

- a) To consider and review the experiences of those young people with more complex educational needs who receive support through an Education, Health and Care (EHC) plan and their journey transitioning into adulthood. Including the following:
 - To review the experience of young people and their families/carers, and the overarching principles for good transition
 - Ensuring that arrangements for transition services are robust.
 - To consider processes which are in place to ensure all young people who require transition services are identified and receive services.
 - The planning of transition, support before and after transfer and the supporting infrastructure for transitions.
- b) To review the preparations being made towards the implementation of the Children and Social Work Act 2017, increasing the age of eligibility for support to care leavers from the age of 21 to 25.

The attached report on Transitions was approved by the Overview and Scrutiny Management Board at its meeting on 30 May 2019. The report reflects the work of one of the Council's Scrutiny Panels, which comprised of eight non-Executive Councillors.

The Executive is invited to consider the report and assign responsibility to the relevant Executive Councillor for responding to the report. As part of its response, the Executive is requested to indicate to the Overview and Scrutiny Management Board which recommendations in the report are accepted. Where recommendations are accepted, there is also a request for an action plan, showing what steps are being taken to implement the recommendations, with projected timescales, where possible. This will enable the Overview and Scrutiny Management Board to monitor the implementation of any actions arising from the report.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

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

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The Scrutiny Report relates in large part to arrangements for the transition to adulthood of young people with a protected characteristic. The recommendations of the Scrutiny Report are designed to improve the process of transition for those young people and care leavers and therefore the impacts are considered to be positive.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The recommendations of the Scrutiny Report are designed to improve the process of transition for young people with an EHC Plan and care leavers to enable them to maximise their potential. The Report therefore contributes directly to their health and wellbeing.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are not considered to be any direct implications for crime and disorder of the matters referred to in the report.

3. Conclusion

In accordance with section 9FE of the Local Government Act 2000 this Report constitutes notice from the Overview and Scrutiny Management Board requiring the Executive to consider the Transitions Scrutiny Review report and to provide and publish a response to the Board indicating what, if any, action the Executive proposes to make.

4. Legal Comments:

The Report introduces the results of a scrutiny review on Transitions. The Report is submitted under section 10 of the Overview and Scrutiny Procedure Rules in the Constitution. The Report contains a notice from the Overview and Scrutiny Management Board under section 9FE of the Local Government Act 2000 and the Executive is required by section 9FE(5) of that Act to comply with the requirements specified in the notice .

5. Resource Comments:

There are no significant financial implications arising from the recommendations in this report, i.e. for the Executive to review the report and make arrangements to respond to it. Financial implications may arise subject to the Executive Councillor subsequently accepting recommendations included in the report and the action plan that is developed. Any such implications will be dealt with, as required, through the normal budget setting process.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

On 30 May 2019, the Overview and Scrutiny Management Board considered the Transitions Scrutiny Review draft report and supported the recommendations set out in the report. The Board were satisfied that the report be submitted to the Executive on 9 July 2019, without amendment.

The Overview and Scrutiny Management Board made the following additional comments for consideration:

- It was felt that more support needed to be provided for adults who had previously been in foster care but did not remain in contact with their foster families.
- Members emphasised the need to support young people with the transition to adulthood and independence, and to help identify skills that could help them succeed in adulthood.

On behalf of the Overview and Scrutiny Management Board, the Chairman thanked all members of the Transitions Scrutiny Panel for their work on the review.

d) Have Risks and Impact Analysis been carried out?

N/A

e) Risks and Impact Analysis

N/A

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Transitions Final Report

8. Background Papers

The background papers within Section 100D of the Local Government Act 1972 used in the preparation of this report are the Background Information items described in the Scrutiny Review Report.

This report was written by Daniel Steel, Scrutiny Officer, who can be contacted on 01522 552102 or Daniel.Steel@lincolnshire.gov.uk