



Open Report on behalf of Heather Sandy, Executive Director of Children's Services

Report to:	Executive
Date:	01 November 2022
Subject:	Children in Care and Care Leaver Strategy
Decision Reference:	I028067
Key decision?	Yes

Summary:

Lincolnshire County Council ("LCC") has a responsibility to the children it looks after and its care leavers. In this context Lincolnshire County Council ("LCC") is referred to as being the "corporate parent".

A change in legislation widened that duty by extending it to require support to all care leavers up to age 25, if they want this support.

This report seeks support and approval for the new "Looked After Children and Care Leavers Strategy" to identify how LCC will seek to fulfil the role of corporate parenting as amended.

Recommendation(s):

That the Executive approve the "Looked After Children and Care Leavers Strategy", as attached as Appendix A to this Report.

Alternatives Considered:

1. This is a refreshed strategy and has been developed in full consultation with key partner agencies, children and young people, senior managers and elected members, in response to the requirements and responsibilities of LCC as corporate parent.

Reasons for Recommendation:

This strategy has been developed in full consultation with key partner agencies, children and young people, senior managers and elected members, in response to the requirements of our role and responsibilities of LCC as corporate parent

1. Background

Looked After Children and Care Leavers are amongst the most vulnerable people in our communities. LCC has a statutory duty to care for and support these young people.

LCC has, by virtue of the Children Act 1989 (as amended) a responsibility to the children it looks after and its care leavers. In this context LCC is referred to as being the "corporate parent". Prior to April 2018, the Children Act 1989 required LCC to provide support to all Looked After Children and our care leavers with Personal Adviser ("PA") support until they reach age 21, with that support continuing to age 25 if a care leaver was engaged in education or training.

However, the Children and Social Work Act 2017 introduced a new duty (commencing 1st April 2018), further amending that under the Children Act 1989, to provide PA support to all care leavers up to age 25, if they want this support.

In addition to the new duty to offer PA support to all care leavers up to age 25, there are two related provisions in the Children and Social Work Act 2017:

- A new duty on local authorities to consult on and then publish their "local offer" for care leavers, which sets out both care leavers' legal entitlements and the additional discretionary support that the local authority provides; and
- A new duty on local authorities which requires them to have regard to the seven "corporate parenting principles", that will guide the way in which the local authority provides its services to children in care and care leavers.

The corporate parenting principles apply to the whole of the council and are important to understand how we, as officers and elected members, shape services for children in care and care leavers.

Furthermore, in Lincolnshire the corporate parenting principles apply to the council and the district councils which facilitates working in partnership to achieve positive outcomes for care leavers.

Other partner agencies will remain instrumental in the support they continue to provide to children in care and care leavers, and will include the ICB's, The Police, District Councils, Criminal Justice agencies and schools.

LCC has existing working relationships with all of the stated partner organisations and has developed the Strategy for which approval is being sought in consultation with them.

The "Looked after Children and Care Leavers Strategy" ("the Strategy") included at Appendix A of this Report responds to the current legislative position and sets out the three year strategy for Looked after Children and Care Leavers. The Strategy explains LCC's vision of how LCC is going to care for and nurture our young people into adulthood.

It is the aim that the Strategy should shape commitments to Looked After Children and Care Leavers and to ensure all agencies across the partnership deliver excellent services for young people, for whom there is a corporate parenting responsibility.

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.

No adverse impacts of this Strategy have been identified. The Strategy relates to all Looked After Children and all those young people who request a Leaving Care Service. (See attached EIA at Appendix B).

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

This Strategy feeds directly into the JHWS around improving the outcomes for this group of young people to stay happy and healthy.

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.

The entire Strategy is designed to improve the life chances for our Looked After Children and Care Leavers. By offering our young people the chance to become more stable, healthy, well connected and supported young people, they are far less likely to slip into criminality.

3. Conclusion

The Looked After Children and Care Leavers strategy is a key document for LCC and all of its partner organisations. The Strategy has been developed in direct consultation with many key groups, elected members and of course young people. It is recommended that full support is given to the launch of the strategy.

4. Legal Comments:

The Strategy is responding to the requirements of the Children Act 1989 as amended by the Children and Social Work Act 2017, in identifying the strategy which LCC will follow to meet its responsibility as corporate parent of looked after children and care leavers.

Provided it is within the budget the recommendation is lawful and within the remit of the Executive.

5. Resource Comments:

The recommendation to approve the “Looked After Children and Care Leavers Strategy” has no direct financial implications.

New duties placed on Local Authorities that create additional financial burdens, such as to provide Personal Adviser support to all care leavers up to age 25, if they want this support has been recognised by the Department for Education through a separate grant allocation. This grant has been in place since the new duty was introduced on the 1 April 2018. The current grant allocation of £0.118m will be in place from 2022/23 to 2024/25 financial year.

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Children and Young People Scrutiny Committee on 21 October 2022 and the comments of the Committee will be provided to the Executive.

d) Risks and Impact Analysis

See EIA attached as Appendix B.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Children In Care and Care Leavers draft strategy
Appendix B	Equality Impact Assessment

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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