

**Joint Report of the Presiding Member, Monitoring Officer and
Head of Democratic Services**

Council - 28 January 2016

AMENDMENTS TO THE COUNCIL CONSTITUTION

Purpose:	To make amendments in order to simplify, improve and / or add to the Council Constitution. A decision of Council is required to change the Council Constitution.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal, Corporate Parenting Forum
Recommendation(s):	It is recommended that: 1) The changes to the Council Constitution as outlined in Paragraph 4 of the report together with any further consequential changes be adopted. 2) The Forum be renamed as the Corporate Parenting Board.
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1. Introduction

1.1 In compliance with the Local Government Act 2000, the City and County of Swansea has adopted a Council Constitution. A number of issues have arisen since adoption and in order to maintain the aims, principles and procedures set out in Articles 1 and 15 of the Council Constitution, it is proposed that the amendments set out below should be made to the Constitution.

2. Delegated Minor Corrections to the Council Constitution

2.1 There are no delegated minor corrections to the Council Constitution.

3. Amendments to the Council Constitution

3.1 This report outlines a number of suggested amendments to the Council Constitution. The amendments are within the following area of the Council Constitution:

a) Part 3 - Terms of Reference;

4. Part 3 - Terms of Reference - Corporate Parenting Forum

- 4.1 The Corporate Parenting Forum at its meetings on 5 October 2015 and 7 December 2015 discussed seeking Council approval to amend its membership, terms of reference and to seek clarity whether they would be permitted to rename the Forum as the Corporate Parenting Board.
- 4.2 The Head of Democratic Services advised that an amendment to the Forum's membership, terms of reference and / or a change of name was within the remit of Council and that it was for Council to consider and determine.
- 4.3 The current terms of reference of the Corporate Parenting Forum are appended as **Appendix A** of the report.
- 4.4 The proposed terms of Reference are appended as **Appendix B** of the report. These have been amended so as to clarify and strengthen the role of the Forum and addressing the issue of membership. Currently there are 10 Councillors and 17 Officer / External Stakeholders represented on the Forum.
- 4.5 The Forum be renamed as the Corporate Parenting Board.

5. Equality and Engagement Implications

- 5.1 An Equality Impact Assessment (EIA) screening process took place prior to the consultation period. The outcome indicated that it was low priority and a full report was not required.

6. Financial Implications

- 6.1 There are no specific financial implications associated with this report.

7. Legal Implications

- 7.1 There are no specific legal implications associated with this report. The amended version of the Council Constitution will be available at www.swansea.gov.uk/constitution

Background Papers: None.

Appendices:

Appendix A	Current - Corporate Parenting Forum - Terms of Reference
Appendix B	Proposed - Corporate Parenting Board - Terms of Reference

Appendix A

Current - Corporate Parenting Forum - Terms of Reference

- 1 Some children and young people need additional help and support because of their needs and circumstances. In some cases this requires that they are looked after by the Local Authority. The purpose of the Corporate Parenting Forum will be to encourage all agencies and individuals to work together to deliver good outcomes for Looked After Children.
- 2 To do this, the Forum members will:
 - a. Listen and communicate the views of Looked After children and young people;
 - b. Develop an annual action plan to deliver its purpose;
 - c. Establish Task and Finish groups as required;
 - d. Raise the profile of issues affecting Looked After children and young people.
- 3 Corporate parenting places collective responsibility on Authorities to provide good parenting for all children in their care. It requires ownership and leadership at a senior level, this includes all elected members.
- 4 The Corporate Parenting Forum will report annually to Council.
- 5 Reports will be made available to all interested organisations, including the Cabinet member for Social Services and Child and Family Overview and Scrutiny Board, CYP Overview and Scrutiny Board, and the Health Social Care and Wellbeing Overview and Scrutiny Board.
- 6 Specific matters of interest or concern will be forwarded to the appropriate Council Member.
- 7 The Chair and Vice Chair shall be elected from the Councillors appointed to the Forum by the Council.
- 8 The Forum will be representative of the Local Authority, Foster Carers, Accommodation Team managers, Looked After Children/Care Leavers, Health, Education, Housing and other specific departments as necessary.
- 9 The Forum will meet bi monthly.
- 10 Support arrangements will be kept under review; the Forum will be supported by the Principal Officer for Accommodation and the Planning and Commissioning Officer for Child and Family Services.
- 11 The Forum will be serviced by Democratic Services which will draft the agenda.

- 12 The Forum will establish its financial requirements and keep any allocated budget under review.
- 13 The Forum will receive monthly performance data on Looked After children.
- 14 The Forum will ask looked after children and young people how it can best help them and what they want the relationship to be.
- 15 These Terms of Reference will be reviewed annually in June.
- 16 The term 'looked after' was introduced by the Children Act 1989. Although there are two different groups of children/young people who may become "looked after", the Children Act emphasises that the duties owed to them by Local Authorities are the same. Section 20; Provision of accommodation for children: general.
- 17 Every Local Authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of;
 - a. There being no person who has parental responsibility for him/her;
 - b. His/her being lost or having been abandoned; or
 - c. The person who has been caring for him/her being prevented (whether or not permanently and for whatever reason) from providing him/her with suitable accommodation or care.
- 18 Before providing accommodation under this section, a Local Authority shall, so far as is reasonably practicable and consistent with the child's welfare;
 - a) Ascertain the child's wishes and feelings regarding the provision of accommodation; and
 - b) Give due consideration (having regard to his age and understanding) to such wishes of the child as they have been able to ascertain.
- 19 A Local Authority may not provide accommodation under this section for any child if any person who has parental responsibility for him/her objects.
- 20 Any person who has parental responsibility for a child may, at any time, remove the child from accommodation provided by or on behalf of the Local Authority under this section.
- 21 On the application of any Local Authority, the court may make an order placing the child with respect to whom the application is made in the care of a designated Local Authority.

- 22 A court may only make a Care Order if it is satisfied that the child concerned is suffering, or is likely to suffer, significant harm; and that the harm, or likelihood of harm, is attributable to the care given to the child, or likely to be given to him/her if the order were not made, not being what it would be reasonable to expect a parent to give to him/her; or the child's being beyond parental control.
- 23 No Care Order or supervision order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married). No Care Order may be made with respect to a child until the court has considered a section 31A plan.
- 24 The Children (Leaving Care) Act 2000 created new and stronger duties on Local Authorities to support care leavers up to at least 18 with the main aims of ensuring that:
- a. Young people do not leave care until they are ready.
 - b. They receive more effective support once they have left.
- 25 The main purpose of the Act is to help young people who have been looked after by the Local Authority to move from care into living independently in as stable a fashion as possible. To do this it amends the Children Act (Part 111, introducing new Sections 23 and 24). These now place a duty on Local Authorities to assess and meet the care and support needs of 'eligible and relevant' children and young people and to assist those who are 'former relevant' young people.
- 26 'Eligible' can be thought of as young people who have been in Local Authority care for over 13 weeks when they turn 16 and 'Relevant' refers to this being a full time care responsibility (e.g. not for short breaks where the parent retains all responsibilities). Former relevant are over 18 and did meet the above criteria.
- 27 Other duties are the duty to keep in touch with all care leavers who qualify the need for Pathway Plans, the new role of the Personal Adviser, and simplified and extended financial support.

Proposed - Corporate Parenting Board - Terms of Reference

1. Purpose

- 1.1 Some children and young people need additional help and support because of their needs and circumstances. In some cases this requires that they are looked after by the Local Authority.
- 1.2 The purpose of the Corporate Parenting Board is to encourage all Councillors, Officers, Agencies and Individuals to work together to ensure that every looked after child, young person and care leaver receives the best possible support to achieve their full potential.
- 1.3 This may be educational, social or in any other area of their development. This means seeking the highest quality outcomes that every good parent would want for their own child by asking themselves 'If this were my child would it be good enough for them?' and striving to achieve the standards that a good parent would want.
- 1.4 The Board will always seek a consensus opinion prior to making any recommendations to the appropriate decision making body.

2. Legislation

- 2.1 Ensuring a joined up approach to fulfilling the responsibilities of corporate parenting is important. The corporate parenting responsibility, towards children looked after by the Authority and care leavers applies to all Councillors. It is important to bear in mind that it is not just social services that impact on these children. Section 27 of the Children Act 1989 places a duty on the NHS as well as each Local Authority's housing and education services to assist social services in carrying out their functions under the Act – including their corporate parenting function.
- 2.2 The Children Act 2004 places a duty on the local authority, health and other key partners to co-operate to improve the wellbeing of children in their area. Members will seek to ensure the provision of all public services used by looked after children and young people is high quality, joined up, and takes account of their needs. This entails commitment and collaboration across a range of Council services and with key partners where appropriate:
 - i) Local health services, Paediatrics and Child and Adolescent Mental Health Services (CAMHS);
 - ii) Flying start and early years provision;
 - iii) Schools and other education settings;
 - iv) Youth offending teams;
 - v) Housing associations;
 - vi) Leisure, library and youth services;

- vii) Leaving Care and Therapeutic Services that may be contracted out to private or voluntary sector organisations;
- viii) Fostering Services.

2.3 In addition there is a requirement (Children Act, 2004) that the local Children and Young People's Plan ensures the improvement of wellbeing outcomes for children through effective local partnerships which co-ordinate the planning and delivery of **all** services for children and young people.

3. Function. To do this, the Board members will:

- a) Listen to, communicate with and champion the views of Looked After children and young people.
- b) Develop a Corporate Parenting Strategy and annual action plan to deliver its purpose.
- c) Facilitate multiagency Task and Finish groups as required.
- d) Raise the profile of issues that may put children and young people at risk of becoming Looked After; issues affecting Looked After Children, children, young people and care leavers within the Council and with partner organisations.
- e) Promote the work of the Corporate Parenting Board within the Council, with partner organisations and the broader arena as appropriate.
- f) Develop, receive and respond to regular performance data on Looked After children and Care Leavers.
- g) Ensure the Corporate Parenting Forum is kept up to date on relevant legislation, guidance and inspections and implications thereof.
- h) Ensure that children looked after by the Local Authority are offered the protection of the UN Convention on the Rights of the Child.

4. Membership

- a) The Board will comprise cross-party representation of Councillors. It is currently 10 Councillors (7 Labour and 1 from each other Political Group).
- b) The Chair and Vice Chair shall be elected from the Councillors appointed to the Board by the Council.
- c) Senior representation from across the Local Authority reflecting the needs of children and young people in need, the looked after children and young people who are leaving or have left care. As a minimum

this should include Education, Housing, and Public Protection, Child and Family Services and the Youth Offending Service.

- d) Senior representation from a number of partner agencies/organisations will be required to ensure the Board fulfils its obligations to young people in promoting their safety and wellbeing and ensuring their wellbeing outcomes are achieved.
- e) Co-opted members as necessary.

5. Quorum

- 5.1 The quorum shall be one quarter of the Councillor members of the Board.

6. Reporting arrangements

- a) Provide an annual report to Council.
- b) Reports will be provided to interested parties, including the Cabinet Member for Services to Children and Young People and others as required.
- c) Specific matters of interest or concern will be forwarded to the appropriate Cabinet Member.

7. Meeting arrangements

- a) The Board will meet two monthly.
- b) The Board will be supported by Child and Family Social Services.
- c) The Board will be serviced by Democratic Services which will draft the agenda and produce the minutes.
- d) The Board will establish its financial requirements and keep any allocated budget under review.