

North Yorkshire County Council

Young People Overview and Scrutiny Committee

Minutes of the meeting held on Friday 6 December 2019 at 10am at County Hall, Northallerton.

Present: County Councillor Janet Jefferson in the Chair.

County Councillors: Val Arnold, Lindsay Burr MBE, Stephanie Duckett, Cliff Lunn, John Mann, Joe Plant and Gill Quinn

Co-opted Members: Dr Tom Cavell-Taylor, David Sharp (North Yorkshire Youth) and David Watson (Voluntary Sector).

Officers: Clare Barrowman (Health and Wellbeing Adviser, Education and Skills (CYPS)) Ray Busby (Principal Scrutiny Officer (Central Services)), Martin Kelly (Assistant Director, Children and Families (CYPS)).

Apologies for absence were received from: Councillors Stuart Martin MBE, Richard Musgrave, Zoe Metcalfe and Annabel Wilkinson.

Copies of all documents considered are in the Minute Book

183. Minutes

Resolved –

That the Minutes of the meeting held on 6 September 2019 having been printed and circulated be taken as read and be confirmed and signed by the Chairman as a correct record.

184. Any Declarations of Interest

There were no declarations of interest to note.

185. Public Questions

The Committee considered a statement submitted by a Dr P Mcparlin raising certain aspects raised in his correspondence with the Children and Families Service.

Dr Mcparlin asked that the question be laid before the Scrutiny Committee meeting as part of the Public Question Time procedure. Dr Mcparlin had chosen not to attend the meeting.

A paper was circulated which set out his questions, juxtaposed with the Corporate response of the Director for Children and Services.

Dr Mcparlin has asked that certain aspects raised in his correspondence with the Children and Families Service be laid before the Scrutiny Committee meeting as part of the Public Question Time procedure.

They fall into two main areas:

Communications between the authority and adoptive parents.

Response:

Adoptive parents receive support and services from the point of enquiry/assessment through to placement and final adoption order. This support is undertaken by the adoption and Looked After Teams.

Following the Adoption Order being granted families can decide if they wish to continue to receive support or not. If they would like further support this is called post adoption support.

For those families who are not an open case to the LA they receive newsletters throughout the year about events and information i.e. drop ins, invites, planned activity days etc. It would be the responsibility of the adoption service and the allocated social worker to have good working relationships and clear communication streams.

How adopted parents are informed of the right to claim various items to be considered in the adoption support from the authority.

Response:

Adoption Allowance: Dependent on specific circumstances, adopters may receive payments following an assessment of the child's needs and the family's circumstances. There may be a single one-off payment for a specific time limited period or a longer term monthly allowance. Both are subject to ongoing means test.

Post Adoption Support: Adopters may receive additional support based on an assessed level of need. This would include but not limited to; training, advice, support in schools, applications to the adoption support fund to receive therapeutic interventions.

Each case is individual and therefore we do not have a list of things that would be entitlements. There is no right to claim but adopters are made aware of support available during assessment.

Dr Mcparlin states "I've written about 12 articles on adoption in the last year mainly to help government and parents. And such recommendations are also used and influence the Adoption Leadership board, nationally".

He invited members to consider an article published in Community Care which: "...sets out the issues and allows scrutiny members to call upon me for further information evidence if they so choose."

Response:

During the assessment process and as part of the assessment finances are discussed in relation to the family's situation and on-going need. As with any parent when making the decision to become a parent it is important to know how this will impact on their finances.

Within the article it outlines the additional needs of children who have been through the care system. It is clear that children do often have additional needs and at times

for some these are significant. The adoption allowance is there to support parents take care of their child often up to the age of 18yrs to support these challenges. Other considerations such as adoption support services and therapeutic interventions can be secured through either the adoption team or adoption support fund.

Maximising Benefits NYCC is in the process of working with the Maximisation Benefits Team. This will give an additional resource to the service to support families through the complexity of entitlements (external to the local authority) they could/should receive.

For one off or revision to the means test calculations this is undertaken by the adoption social worker who will complete an updated assessment to identify circumstances and need. There is a requirement to gain a full understanding of the family's financial situation in order for a decision to be made. Workers are aware that this requires sensitivity however, cannot be avoided in order for a decision to be made. This assessment will consider additional entitlements for the child such as DLA.

Specifically, with regard to local NYCC procedures regarding claims made by adopter parents financial support, Dr Mcparlin asked members to note "...the authority is not minded to let some [eligible] claims be made retrospectively and this is inconsistent with them having earlier this year let me retrospectively claim for my son's health payments. "

Referring to circulated correspondence Dr Mcparlin expanded upon the general matters he believes this decision raises.

Response:

As outlined above NYCC have recently invested in an expert within the maximisation benefits team to support families understand their entitlements and support with this. This will be rolled out from January 2020

Dr Mcparlin asked that a form he has been asked to complete be brought to members' attention.

Response:

The form was the social worker's breakdown of areas to cover within the assessment to assist with the family's preparation in readiness for their meeting. This is not a form that is routinely used.

Dr McParlin decided not to lodge a complaint through the CYPS statutory complaints procedure. He submitted a FOI request regarding the process for and number of payments made to Parents requesting a payment for disability for their adoptive child.

Given the above, Dr Mcparlin invited the committee to comment upon whether the issues he raises "warrant your scrutiny".

Bearing in mind the two areas mentioned above

- **Communications between the authority and adoptive parents.**
- **How adopted parents are informed of the right to claim various items to be considered in the adoption support from the authority.**

He posed the following questions:

Is the committee aware in a request to consider financial adoptive support for disability activities?

- **Parents are subject to further means testing to submit to family panel**

Response:

All requests for additional funding in relation to any allowance adoption, SGO, CAO need to go to the family friends panel. An updated assessment is completed with the FF request. Decisions from there are communicated back to the family by their social worker. Regulations are considered which outline that the LA has duties to consider and may use their discretion to pay additional costs.

- **This can then be rejected by the authority before the assessment arrives at family panel with information given to the adoptive parents that the family panel would reject the assessment (even though at this time they have not seen it) that has been completed and tasked to its own social workers.**

Response:

A decision is not rejected; the family is advised of what is needed in order to make a decision where there is not enough information available.

- **The initial assessment interview having taken 3++ hours to record. Further hours to write up. Several days of parental time in gathering information for the social worker, which arguably could be better used in caring for a child with disabilities.**

Response:

Workers are required to undertake an assessment which outlines the child's needs and the reason as to why further financial support is required. This has to take into account all of the parent/carers financial commitments alongside income to determine need, for example if in receipt of DLA is this being spent on the child in relation to their disability.

- **Parents can then be told further means testing needs to be taken of far greater depth-time and scrutiny.**

Response:

Any change to an allowance that has already been completed would need to complete a revised calculation on what is being considered over and above those that are set out in the Means Test calculation guidance.

- **Is the scrutiny committee aware of the duress and onerous imposition it places on the parents who have volunteered their service in adoption to NYCC-at a fraction of the alternative option of finding the same children foster care etc. and just how humiliating this experience is?**

Response:

As with any parent who request a service or financial assistance it would be a requirement to undertake an assessment in order for a decision to be made. Workers are sensitive to the needs of the families they work with and are skilled in undertaking this work.

- **"... [I] would like to particularly ask the scrutiny committee about the fairness of allowing some retrospective payments for adoption support and yet not allow others, particularly where the authority has not been supportive in clear communications to parents about what is allowable for the disabled child as in the case of disabled sports disabled riding**

etc etc, that can account for an adoptive parent asking for retrospective payments be made."

- **whether forms need to be more clear and proactive ie the adoption annual income form re disability expenditures - and what will be taken into consideration**

Response:

When children are placed an adoption support plan outlines the needs of the child and at this point consideration is given to what is required to support that need.

Thereafter it would be the post adoption support assessment. All children's needs are individual and therefore it would not be possible to outline each area which would be considered. The regulations state; may offer financial assistance.

- Whether the form the authority gives asking adoptive parents to list expenditures could be more prescriptive in how parents of adopted children with disabilities are allowed to claim for items that particularly pertain to the child's disability and whether these could be listed for example riding for the disabled, sports for the disabled and other specific areas identified for disabled adoptive children.

Response:

See above

- **whether discretion to back pay an allowance for some issues and not others needs greater clarification.**

Response:

This point is considered in the assessment of need including the current previous and ongoing circumstances. Discretion is applied; decisions can be challenged through the Children Act complaints process.

Other Related Matters

In addition to these specific questions concerning communications and financial support, Dr McParlin has submitted two other articles he has authored which highlight other issues faced by parents who adopt a child with disabilities.

These may, he has suggested, add weight to the proposition that these be brought to the committee's attention at another time.

- Violence towards an adopter. Published Article
- the challenges of placing for adoption a child over the age of four. Not yet Published.

Ray Busby advised the committee that not the role of the committee to go through individual cases. Such matters should be referred to the relevant operational service.

There is a statutory process for complaints. That is the correct and proper process. Only by this method can personal circumstances be dealt with properly. The committee has no remit, role or responsibility or oversight over CYPS complaints. It would be inappropriate for the committee to comment upon the substance of a complaint.

The Chairman has the discretion to take individual representations from the public and share with the rest of the committee, where an individual case sheds light on a broader issue that affects a large number of people as part of the consideration of what should go on the work programme.

The Chairman advised that there is no requirement upon members to come to a decision in respect of the matters raised. Members confirmed they were happy that the statement had been properly responded to. They asked that the questioner's attention be especially drawn to the comments in the response about the directorates proposals around benefit maximisation.

Members considered whether the points raised warranted any particular work i.e. was there anything in there that they wanted to add to their work programme there and then. In this regard they were mindful of Martin Kelly's statement that internal work was planned on the directorate's policies and procedures in relation to adoption.

The committee has asked Martin Kelly to come back to them with details of this in, say, 6-9 months' time.

Members expressed the view that they did not consider themselves to be in an appropriate position to take a view as to whether the points raised - the non-personal ones that is – required any attention.

186. Statutory Relationships, Relationships and Sex Education and Health Education for all Schools

Considered –

Presentation by Clare Barrowman (Health and Wellbeing Adviser, Education and Skills (CYPS)) outlining Personal, Social, Health and Economic (PSHE) Education - a school curriculum subject in England and Ireland which focuses on developing the knowledge, skills and attributes to keep children and young people healthy and safe and to prepare them for life and work

The presentation covered:

- Personal, Social and Health Education – an explanation of what it encompasses and entails.
- Guidance issued for schools including the curriculum entitlement framework.
- the details of North Yorkshire County Council's action in respect of Relationships and Relationships and Sex Education in the context of impending statutory responsibilities.
- Keeping Children safe in schools.

Comments at the meeting reassured members that:

- The authority is offering good support and guidance to all schools irrespective of their governance arrangements
- The approach taken represents a clear understanding of our statutory commitments.
- There was a strong and effective focus on safeguarding throughout the guidance.
- Analysis of the results of the Growing Up in North Yorkshire in the context of PSHE has been approached logically and systematically.

Resolved –

- a) That the report be received.
- b) Members concluded that, on the evidence before them, the authority is offering good support and guidance to all schools irrespective of their governance arrangements

187. Work Programme

Considered -

The report of the Scrutiny Team Leader inviting comments from Members on the content of the Committee's Programme of Work scheduled for future meetings.

Resolved –

- a) Members again confirmed the content of the Work Programme.
- b) It was agreed that the report of the Young Peoples Champion be deferred to the next meeting.
- c) The Chairman report the considerations and findings of the Elective Home Education workshop meeting in her statement to council.

The meeting concluded at 11.20pm
RB