

Lancashire County Council

Scrutiny Committee

Friday, 9th September, 2011 at 10.00 am in Cabinet Room 'B' - County Hall,
Preston

Agenda

Part 1 (Open to Press and Public)

No.	Item	
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1.	Apologies	
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2.	Disclosure of Personal and Prejudicial Interests	
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Members are asked to consider any Personal/Prejudicial Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3.	Minutes of the Meeting held on 10 June 2011	(Pages 1 - 12)
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4.	Review of Winter Service	(Pages 13 - 44)
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5.	Draft Report of the Task Group: "Who Cares?" Cross Boundary Looked After Children	(Pages 45 - 100)
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6.	Task Group Updates	(Pages 101 - 110)
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7.	Recent and Forthcoming Decisions	(Pages 111 - 112)
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8.	Workplan 2010/11	(Pages 113 - 120)
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9.	Urgent Business	
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

10. Date of Next Meeting

The next meeting of the Scrutiny Committee will be held on Friday 7 October 2011 at 10am at the County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 10th June, 2011 at 10.00 am in Cabinet Room 'B' - County Hall, Preston

Present:

County Councillor John Shedwick (Chair)

County Councillors

T Aldridge	K Ellard
Mrs R Blow	A Knox
S Chapman	D O'Toole
Mrs F Craig-Wilson	M Otter
C Crompton	D Westley
M Devaney	

County Councillor Mike Otter replaced County Councillor Peter Steen for this meeting only.

County Councillor Terry Aldridge replaced County Councillor Janice Hanson for this meeting only.

County Councillor Renee Blow replaced County Councillor Peter Malpas for this meeting only.

County Councillor Allan Knox replaced County Councillor Bill Winlow for this meeting only.

1. Apologies

Apologies for absence were received from County Councillor Liz Oades.

2. Constitution: Chair and Deputy Chair; Membership; Revised Terms of Reference of the Scrutiny Committee

Resolved: That;

- i. The appointment of County Councillor J Shedwick and County Councillor K Ellard as Chair and Deputy Chair of the Committee for the remainder of the 2011/12 municipal year be noted;
- ii. The membership of the Committee following the County Council's annual meeting be noted; and
- iii. The revised Terms of Reference of the Committee be noted.

3. Disclosure of Personal and Prejudicial Interests

County Councillor F Craig-Wilson declared a personal interest in item 5 - Flood Risk Management in Lancashire as she was a member of Fylde Borough Council and in item 6 - Arts Council England Funding as she was the Champion for Heritage, Arts and Culture at Fylde Borough Council.

County Councillor J Shedwick declared a personal interest in item 6 - Arts Council England Funding as he was a member of the Dukes Playhouse Board of Directors, and member of the Sounding Board of the Lancashire Sinfonietta.

County Councillor K Ellard declared a personal interest in item 6 - Arts Council England Funding as he was a member of the Sounding Board of the Lancashire Sinfonietta.

County Councillor D Westley declared a personal interest in item 6 - Arts Council England Funding as he was the Cabinet Member for Finance and Performance Management at West Lancashire Borough Council.

4. Minutes of the Meeting held on 13 May and the Special Meeting held on 23 May 2011

Resolved: That, the minutes of the meeting held on 13 May and the special meeting held on 23 May 2011 be confirmed and signed by the chair.

5. Flood Risk Management in Lancashire

The Chair welcomed Jo Turton, Executive Director for the Environment, Mike Kirby, Director Transport and Strategic Highways, Rick Hayton, Assistant Director Strategic Highways and Procurement, and Andy Cameron, Principal Engineer on secondment from the Environment Agency (EA), to the meeting.

It was reported that two pieces of legislation had been introduced which brought new flood risk management responsibilities for local authorities and other organisations, these being; the Flood Risk Regulations 2009, and the Flood and Water Management Act 2010.

The Committee was informed that the Regulations had confirmed the lead local flood authority (LLFA) role for the county council and unitary authorities. The Regulations had also imposed a duty on such authorities to prepare preliminary flood risk assessments (PFRA) in which "significant" flood risk areas should be identified. To assist with the process, the EA had produced a national map identifying areas meeting the criteria set by Defra (Department for Environment, Food and Rural Affairs) for "significant" risk. It was reported that there were no significant flood risk areas in Lancashire and as a result the further duty on local flood authorities to prepare flood hazard and risk maps, and flood management plans would not apply. The Committee was informed that this cycle of activity would repeat every six years.

The Committee was informed that the Flood and Water Management Act 2010 had imposed the most significant roles and responsibilities on local authorities and other organisations. These included:

- A "strategic overview" role for the EA to assist upper tier and unitary authorities in taking on new duties and the creation of the national flood risk strategy;

- Upper tier and unitary authorities (Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council) were now designated as "lead local flood authorities". In addition to the PFRA requirement, there was now a duty on the county council to prepare a local flood risk management strategy; and
- A number of "Risk Management Authorities" which would include; the EA, LLFA, district councils, highway authorities and water companies (United Utilities - UU) to exercise their flood risk management functions in accordance with the flood risk management strategy yet to be developed for Lancashire.

It was reported that the county council, district and unitary councils in the wider Lancashire sub-region were working in partnership with the EA and UU on developing responses to the new duties as LLFAs. Officers outlined some of the key duties required by LLFAs which included:

- A duty to; develop, maintain, apply, monitor and consult on a local flood risk management strategy from October 2010.
- The power to request information from third parties in connection with flood risk management duties. Third parties would a duty to co-operate with the LLFA and the EA.
- A duty to ensure that flooding incidents are investigated by appropriate organisations and to identify and publish intended actions.
- A duty to develop and maintain a register of structures or features that could impact on flood risk. It was explained that to develop such a register would be an extensive task as it would need to include details of structures/ features, ownership and condition of those identified across the county. The LLFA would also have the power to designate structures or features which would affect flooding, including those on private land.
- The Scrutiny Committee of the LLFA to have the power to request reports or attendance at any meeting from any flood risk management organisation to allow scrutiny of the delivery of flood risk management functions.
- The LLFA from October 2011, to take on the EA's role for consenting works that would likely affect the flow capacity of ordinary watercourses.
- To act as a Sustainable Urban Drainage System (SuDS) Approval Body to work in tandem with the planning system. From October 2011, the LLFA would have to approve sustainable drainage proposals associated with any construction work for buildings or any structure that would cover land which would affect water absorption.

The Committee was informed of the main issues facing the LLFAs which were; resources, skills and knowledge. It was reported that the EA were running workshops on a range of themes to develop necessary skills and that officers from the county council had fully engaged with these opportunities.

The Committee was also informed that the county council had also taken the opportunity to part fund a secondment from the EA for 12 months to help develop appropriate responses to the new duties. However, it was explained that it would

be critical in going forward for all councils in Lancashire to be sufficiently skilled and resourced to exercise their current and new flood risk management duties properly.

However, funding for these additional duties remained an issue for the county council. Whilst monies had been received from Defra, they had recently consulted on a proposed new system for funding capital flood risk management schemes based on a "payment for outcomes" approach. It was envisaged that such an approach would bring further challenges for LLFAs to raise any balance from other sources.

It was reported that a Lancashire Flood Risk Management Officer Group Chaired by the county council had been established in order to ensure effective partnership working. The group attended by officers from the county council, district and unitary councils in Lancashire, UU and the EA had begun to develop strategic approaches to the issues facing LLFAs and other organisations. It was also reported that the group had made good early progress on gathering local flood data and historical flood information. The Committee was informed that the EA and the Chair of the Regional Flood and Coastal Committee were pleased with Lancashire's approach and saw it as an emerging model of good practice for the delivery of these new duties.

Councillors raised a number of questions and comments. A summary of which is provided below:

- There was interest in where the local flood risk hotspots were, in particular any sites that fell into the threshold set in the national risk register (30 thousand people). The Committee was informed that so far, data had been collated against surface flooding issues and not in relation to flooding from rivers. The EA were currently looking at this matter separately. The information was reviewed using national modelling techniques with an average occupancy of 2.8 people per household. However, the Committee was informed that the largest area at risk from surface flooding was Blackburn with around ten thousand people at risk followed by the areas; Preston, Burnley, Colne, Nelson and Ribble Valley - the largest of which, had approximately eight thousand people at risk. The Committee was informed that these areas would become priority areas for the LLFAs in creating the national flood risk strategy. The county council was also looking to enhance the modelling techniques used to get a better understanding of what was at risk and to alleviate those areas identified.
- A question was asked in relation to the SuDS Approval Body and to who within the county council would have delegated authority to approve sustainable drainage proposals. The Committee was informed that delegated authority was not in place yet. However, officers assured the Committee that the county council as LLFA would be working closely with the district councils to formalise such a process.
- Councillors re-iterated the importance of consulting them as a resource for local knowledge. The Committee was informed that the Environment Directorate was also looking to liaise with local groups to assist in identifying structures and features across the county.

- One councillor commented that he didn't recall any instances where planning permission had been refused on a flood risk basis. Concern was expressed that with the increase in building activity, flooding incidences and the lack of regular gully emptying that authorities would need to ensure a more robust process was in place when refusing planning applications.
- A councillor asked whether responsibility for sea defences would be transferred from the district councils to the county council. The Committee was informed that the responsibility would not be transferred, however, the county council as LLFA would be accountable under the new legislation. It was also suggested that district councils would gain additional powers from the new legislation.
- Questions were asked in relation to preventative maintenance, gully cleaning and the clearing of subways and underpasses. The Committee was informed that the county council as LLFA was currently looking at its inventory of gullies, identifying problem locations with the view to changing maintenance regimes. With regard to the clearing of subways and underpasses, the Committee was reassured that these matters had been noted for action accordingly.
- One councillor asked whether training would be carried out for the staff taking on the new additional responsibilities. The Committee was informed that Defra were running a capacity building initiative and a series of workshops to assist organisations in developing the necessary skills. The Committee was also informed that the county council along with the EA was jointly funding a post on a two year foundation flood risk management degree. The county council in working in partnership with the district councils was making sure it could access a wider skill-set to move forward.
- A question was asked regarding what power the county council would have in ensuring that developers put in place the necessary flooding retention systems. Another question was also asked in relation to the quality of data and how intelligence was shared between authorities. It was reported that district councils had to abide by national planning policy which included carrying out strategic flood risk assessments to inform decision makers when approving or refusing planning applications. The county council was also working with district councils in creating surface water management plans as a new approach to assessing surface water flooding risks. It was hoped that an outcome of producing these plans would be the creation of local development policy documentation to share intelligence.
- Concern was expressed regarding flooding in rural areas, issues being reported and a lack of physical action being carried out to resolve them. Assurance was sought by a councillor that concrete action wouldn't be sacrificed at the expense of additional meetings and trails to ascertain who would be responsible for what. The Committee was informed that the new legislation provided the county council with better prospects to deliver outcomes, putting money where it mattered and in taking schemes forward.

The Committee considered how it wished to take forward its additional responsibility on scrutinising the delivery of flood risk management functions. The Committee was advised that whilst it should monitor progress it would need to ensure that physical changes were occurring. The role of the Scrutiny Committee also allowed for it to call upon other organisations to attend meetings to present evidence.

The Chair felt that it would be appropriate for the Committee to receive feedback on what has been achieved in relation to the risk register, funding and the new responsibilities in six months' time.

Resolved: That;

- i. The report be noted;
- ii. An update report on Flood Risk Management be presented to the Committee in six months' time.

6. Arts Council England Funding

The Chair welcomed Ian Watson, Head of Cultural Services, David Blackett, Cultural Services Development Manager, Paul Kelly, Arts and Regeneration Officer, Alex Walker, Head of Arts and Heritage from Preston City Council, Joe Sumsion, Director of the Duke's Theatre in Lancaster, and Mandy Precious, Director of Burnley Youth Theatre to the meeting.

It was reported that Arts Council England (ACE) had issued information about funding for 2012-2015 for its National Portfolio of Organisations (NPO). The Committee was informed that the Arts Council had undergone a strategic re-modelling of its funding arrangements which had had far-reaching effects on arts organisations within Lancashire in comparison to the North-West. It was hoped that the presentations by the organisations invited to the Committee would reflect the impact of the Arts Council's decision to re-model its funding arrangements and how the county council might take the matter forward.

Paul Kelly delivered a presentation on ACE and the arts infrastructure of Lancashire. It was explained that ACE had devised a ten year strategy called, "Achieving Great Art for Everyone". However, it was reported that there had been a 29.6% reduction in monies available for funding over the next four years. Along with the new strategy, ACE had also established a new 'National Portfolio Organisation' funding process whereby bids for funding were open to all. It was reported that 1300 applications had been received nationally with only 695 being approved. The impact all these changes had on Lancashire meant that the current regular funded organisations had taken a 6.9% reduction in funding for 2011/12. From 2012/13 Six organisations would see their funding reduced entirely, whilst the majority of those who were to receive funding would be on a reduced basis from previous year's allocations. It was also reported that for 2012/13, Lancashire would see a 45.1% reduction in funding secured.

Comparisons of data were made against neighbouring authorities' investments in the north west region. It was stated that whilst Lancashire had 20% of the total population within the region, it was calculated that investment from ACE for

national portfolio organisations accounted for only 4% of that invested in the region.

Some positive aspects on funding for the arts were reported which included; a forecast that Arts Lottery income would rise over the next four years, a transition fund of £47K from ACE had been placed with the county council, the Preston Guild event had secured a £300K award and the organisation 'Curious Minds' based in Lancashire had been identified as a 'Bridge Organisation' bringing an additional £4.16m to the region over the next three years. A list of questions was presented to the Committee for consideration on the future of the arts in Lancashire. These were:

- Where do we want to be in 4 years time?
- Should we have an arts infrastructure vision for the county with a strategic plan to support this?
- What do we want the arts infrastructure to look like?
- Home grown talent, external bodies coming in?
- How should we manage transition support and target ongoing LCC investment? How do we better connect with the districts?
- Where is the artistic ambition in Lancashire: the opportunities?
- Where's the new blood - new artists / collectives?
- How can we ensure increased GFA project funding into Lancashire?
- Where is the Arts leadership in Lancashire?
- Who are our Arts Champions outside the sector?
- Are we conveying the right messages about the Arts and the economic potential for Lancashire?

Joe Sumsion gave a presentation to the Committee on the Dukes Theatre at Lancaster. The Committee was informed that The Dukes received annual investment from three core funding partners namely; ACE, the county council and Lancaster City Council. It was their ambition for the theatre to become a centre of excellence for young people in Lancashire. Whilst the theatre primarily invested in young people, it was also a key employer, provided support for creative businesses and attracted investment from other sources.

However, it was reported that whilst ACE and other organisations recognised the recent success of The Dukes, the level of investment from ACE for 2012 would be the equivalent to their investment received in 2001. Also, The Dukes had been identified as a NPO by ACE and, therefore, could no longer apply for 'grants for the arts' post 2012. The impact of which, would result in fewer productions and reduced staffing.

On moving forward, The Dukes was looking to; promote itself further as a successful organisation, develop a vision for arts and culture in Lancashire and to work with ACE to help realise their vision.

Mandy Precious gave a presentation to the Committee on the Burnley Youth Theatre. The Committee was informed that the theatre was established by parents in 1973 and subsequently became a registered charity in 1997. The

theatre was one of two purpose built facilities in the UK and its core business was self-sustained through contributions. The theatre worked with approximately 450 young people per week, delivering 23 workshops and an additional ten to 20 workshops in outreach locations per week.

It was felt that the theatre was successful in securing funding from ACE for a number of reasons including; that it reflected the community it served, was a hub of good practice, provided training and paid placements and was a developing venue.

Alex Walker delivered a presentation on the Harris Museum and Art Gallery at Preston. The Committee was informed that the museum housed some of the finest art collections in the north west. As well as containing historical material the museum also ran a contemporary programme of works and installations.

The Committee was informed that the museum was recognised for its temporary exhibition programme and international work. Visitor numbers had doubled over the past five years. Successful partnerships had also been established between the county council and the University of Central Lancashire (UCLAN) working jointly on matters relating to access and education.

With regard to funding, it was reported that the museum had in the past secured Renaissance funding from the Museums, Libraries and Archives Council (MLA) which had provided the necessary monies to fund ten or eleven staff. However, concern was expressed surrounding the future of Renaissance funding due to the initiative being transferred to ACE in the near future. The outcome of which would be critical for the museum.

It was reported that the museum was not a regularly funded organisation. A recent application for National Portfolio funding had been unsuccessful. As a result of which, the museum and UCLAN had developed a programme of work to identify sources of regular funding. It was also reported that the museum had received a number of 'grants for the arts' over the years and was now in the process of submitting an application for a three year 'grants for the arts' award.

The Committee was informed that officers from Preston City Council were looking to enter into discussions with the county council on matters relating to future funding arrangements.

In receiving the presentations the Chair suggested that a task group to look into arts funding be established. Furthermore, that a formal request be made to this Committee at its next meeting in September to allow sufficient time to develop the terms of reference for it so that the task group could commence its work as soon as practicable.

Councillors raised a number of questions and comments. A summary of which is provided below:

- A question was asked in relation to how much money the county council spent on the arts and how much was given in grants to organisations per

year. It was reported that the county council spent approximately £570K on the arts - £450K of which would go towards funding seven principal arts organisations in Lancashire. The remaining £120K would go towards funding projects.

- One councillor made a comment that the arts were seen as a soft cut during periods of recession. There was concern that some amateur organisations would close down due to a lack of funding being directed to them.
- Concern was expressed regarding reduction in schools' budgets for the arts and whether or not the county council was conveying the right message about what art and culture was. It was recognised that the arts contributed to many other areas including; health, education and quality of life. It was suggested that this matter could be looked into by the task group.
- Councillors queried why certain districts within the county received funding and others didn't. The Committee was informed that funding for the arts by the county council was targeted to the more professionally established groups which happened to be based in those particular districts receiving investment. However, mention was made that amateur groups were normally funded by the district councils. It was suggested that Lancashire's ambition for the arts be looked into by the task group.

The Chair thanked everyone for their attendance and the presentations delivered to the Committee.

Resolved: That;

- i. The Committee in receiving the presentations noted the report;
- ii. The request for a task group on Arts Funding along with a draft terms of reference be presented at the next meeting of the Scrutiny Committee on the 9 September 2011 for consideration.

7. Establishment of a Standing Joint Lancashire Health Overview and Scrutiny Committee

The Chair welcomed Josh Mynott, Committee Support Team Leader, to the meeting.

At its meeting on 13 May 2011, the Committee recalled that whilst it had accepted the requirement to establish appropriate joint working arrangements a further report regarding the balance of representation from the three Councils on the Standing Joint Health Overview and Scrutiny Committee was requested. The Committee had felt that the relative sizes of the three authorities should be more accurately reflected in the overall composition of the Joint Committee.

A new balance of representation for the three Councils was therefore proposed as follows:

- Lancashire – 9 representatives;
- Blackburn with Darwen – 3 representatives; and
- Blackpool – 3 representatives.

The Committee was informed that whilst the new proposal did not accurately reflect the relative sizes of the three authorities, the requirement was balanced against the need to keep the overall size of the Joint Committee within reasonable parameters and to ensure that the two unitary authorities would maintain a reasonable level of representation. The terms of reference for the Joint Committee had been revised and presented at appendix 'A' to the report.

The Committee was also informed that the new proposal had been indicated to the two unitary authorities. It was reported that since the agenda was published a joint letter from the two unitary authorities had been received by the county council. The letter explained that the two unitary authorities preferred the original proposal as suggested by the Lancashire Leaders Group.

However, it was reported that officers were aware of imminent changes in the health service which would affect all three areas. The Committee was advised that if the Lancashire Care Trust was to consult in the near future the county council would need to have established a Joint Committee in order for it to be consulted.

Resolved: That,

- The establishment of the Joint Lancashire Health Overview and Scrutiny Committee be approved.
- The balance of representation from the three councils be as follows:
 - Lancashire – 9 representatives;
 - Blackburn with Darwen – 3 representatives; and
 - Blackpool – 3 representatives.

8. Task Group Updates

The Committee received an update on current task groups and their proposed completion dates.

Resolved: That, the update on existing task groups be noted.

9. Recent and Forthcoming Decisions

The committee had been given the opportunity to view and consider recent relevant decisions made and also forthcoming decisions including those set out in the current Forward Plan.

Resolved: That, the report be noted.

10. Workplan 2010/11

The workplan for the committee was presented for noting and comments. The Chair gave an outline of the work to be carried out by the Committee over the coming months.

Resolved: That, the report be noted.

11. Date of Next Meeting - Training Session

It was noted that the next meeting of the Committee on Friday 8 July 2011 had been designated as a training session for Members. The next ordinary meeting of the Committee would therefore be held on 9 September 2011 at 10am at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Scrutiny Committee

Meeting to be held on 9 September 2011

Electoral Division affected: All

Review of Winter Service

(Appendices 'A', 'B' and 'C' refer)

Contact for further information:

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Executive Summary

The winter of 2010/11 was one of two distinct halves: an intense spell of severe weather extending from the end of November up until Christmas followed by a benign spell from mid-January 2011. Whilst the salt stock situation in Lancashire was nowhere near as serious as the previous winter, there were supply chain problems nationally in late 2010. The combination of heavy snowfall and near record low temperatures in December presented the County Council with a significant challenge, particularly as these severe conditions affected those parts of Lancashire that usually escape the worst of the winter weather. This report builds on last year's comprehensive review of the Winter Service and sets out proposals to secure delivery of an enhanced Winter Service for 2011/12 and beyond.

Recommendation

The Scrutiny Committee is asked to:

- i. consider the implications of the review of the Winter Service, and
- ii. where necessary, make recommendations to the Cabinet Member for Highways and Transport in relation to winter 2011/12 and subsequent winters.

Background and Advice

An overview of the County Council's Winter Service is attached as Appendix 'A' to provide context to this report and an explanation of the various aspects of the Winter Service.

The Review builds upon those undertaken for the previous two winters and aims to implement further improvements and new initiatives to deliver an enhanced Winter Service for 2011/12 and beyond. Through ongoing and proposed review actions, the service will continue to exploit the benefits of more comprehensive engagement with partners, better communication with stakeholders and a more innovative approach to

tackling the problems that arise during severe and prolonged winter conditions. This report sets out the findings of the review to date and proposals for the forthcoming winter. A draft updated Winter Service Plan 2011/12 will be available for the Committee to consider at its next meeting on 7th October 2011.

Winter Service Costs

The County Council allocated £4.015m for provision of the Winter Service in 2010/11, but actually spent £5.51m. Of that sum, £2.1m (38%) accounted for fixed costs, including:

- provision, maintenance and servicing of the gritting fleet;
- provision, maintenance and servicing of facilities, infrastructure and systems;
- standby payments during the winter season.

The remaining £3.4m of variable costs (62%) covered expenditure on salt and other materials and gritting operations. Such costs clearly vary from year to year depending on the severity of the winter. A precautionary treatment of the Priority Road Network can use between 150 and 800 tonnes of salt depending on the road surface temperature and state, the forecast weather conditions and the type of salt (treated or dry) to be used.

Winter 2010/11 Overview and National Context

As a local highway authority, the County Council has a statutory duty to ensure, as far as reasonably practicable, that safe passage along a highway is not endangered by snow or ice. What is reasonably practicable forms the basis of the County Council's Winter Service Plan.

The winter of 2010/11 was one of two distinct halves: an intense spell of severe weather extending from the end of November up until Christmas followed by a benign spell from mid-January 2011. The last week of November saw a change from typical 'Atlantic' weather to much colder conditions with northerly and then easterly airstreams bringing significant snowfalls and hard frosts to parts of the country. In Lancashire, snow affected parts of the north and east of the county on the 28th and 29th, particularly the Lune Valley and parts of the Ribble Valley and Pendle.

December 2010 was the coldest in the UK in over 100 years with temperatures quite widely falling well below freezing on several nights and remaining below freezing during the daytime. Snow fell in almost all areas, especially during the first week and from mid-month until Christmas. In Lancashire, a significant snowfall affected the Fylde Coast, Central and West Lancashire in particular on the night of the 17th/18th; temperatures then fell to near record levels, reaching their lowest on Christmas Morning. The A565 Mere Brow weather station recorded an air temperature of -14C at 0500 hours, with -13C recorded at the A586 Singleton weather station and -10.5C at the A683 Greta Bridge weather station in the Lune Valley. The severe conditions were unusual in affecting those parts of Lancashire that usually escape the worst of the winter weather, and presented the County Council with a significant challenge.

The first half of January saw a gradual reversion to a more normal 'Atlantic' influence with occasional interludes of colder weather, but nothing extreme. A westerly airstream prevailed throughout much of February with above average temperatures and few frosts. This mild weather pattern continued through March, again with very few frosts.

The extreme conditions experienced in late November / December 2010 followed two winters where severe weather conditions had caused widespread problems across the UK. The winter of 2009/10 was the coldest in the UK for 30 years, with sustained periods of sub-zero temperatures and widespread snowfalls, and unusual in its coverage of the whole country. The previous winter had also been severe, and followed a decade of relatively mild conditions. Both created extremely challenging conditions for the travelling public and for all forms of transport across the country.

In light of the severe conditions experienced in late November and early December 2010, the Secretary of State requested David Quarmby CBE to follow up his earlier review¹ with an urgent audit of how well highway authorities and transport operators in England had coped². This led to the issue of further guidance, particularly in relation to improved salt utilisation through reduced spread rates and a much stronger emphasis on ploughing³. Following adoption by the County Council of a bespoke Winter Service Plan for 2010/11, work is in hand to update it to take account of this further advice and guidance.

Review Action:

- Update the County Council's Winter Service Plan to ensure ongoing compliance with national codes of practice and guidance.

Salt Supply, Monitoring and Resilience

For the 2010/11 winter season, the County Council stockpiled almost 27,000 tonnes of salt including strategic reserves, exceeding the recommended pre-season resilience standard by a considerable margin. However, the County Council recognised that its ability to maintain a continuous minimum stockpile would depend on the national salt supply chain situation and the capacity of the supplier, Salt Union Ltd, to deliver 'in-season' re-stocking. Experience during the previous two winters suggested that there were no guarantees this would be the case.

The County Council requested a 2,500 tonne re-stock from Salt Union for delivery by 21st December 2010 to improve resilience through the Christmas and New Year period. However, although Salt Union would not commit until it had fulfilled existing contractual obligations, re-stocking commenced on December 8th and continued through until the end of March 2011. Despite using over 15,000 tonnes between

¹ Winter Resilience Review: The Resilience of England's Transport Systems in Winter, Final Report, October 2010

² Winter Resilience Review: The Resilience of England's Transport Systems in December 2010, Independent Audit by David Quarmby CBE, December 2010

³ Winter Service Guidance for Local Authority Practitioners: Recommended Precautionary Treatments and Post Treatments including Revised Salt Spread Rates, UK Roads Liaison Group, December 2010

mid-November and the end of December, the County Council's salt stock holding did not drop below 11,000 tonnes.

A key recommendation of David Quarmby's Review was that the Highways Agency be tasked, on behalf of the Secretary of State, to acquire by import, store and make available on terms to be agreed an initial reserve stock of some 250,000 tonnes of salt for 'last resort' use by local highway authorities and for itself. In July 2010, the Secretary of State instructed the Highways Agency to source, establish and manage strategic national salt stockpiles of up to 250,000 tonnes. Furthermore, in response to the severe weather experienced between November 24th and December 9th 2010, the Secretary of State authorised the Highways Agency to source an additional 250,000 tonnes for delivery in January 2011.

Given that supplies from Salt Union in early January were barely replenishing salt used and some uncertainty as to the risk of more severe winter weather, the County Council made a bid for 2,000 tonnes from the strategic reserve for delivery to White Lund, Singleton and Cuerden, the least resilient depots at that time. The bid was successful and the salt delivered during the second half of the month.

During the 2009/10 winter, the County Council used just under 30,000 tonnes of salt, including over 10,000 tonnes between the 17th and 31st December 2009. In comparison, just over 20,000 tonnes were used during the whole of the 2010/11 winter. This reduction is a result of a comparatively mild period of weather between January and March 2011 and action taken by the County Council to reduce salt consumption and conserve supplies. Reduced salt consumption arose from the implementation of efficiency measures in line with Government guidance, including the more careful selection of salt spread rates, improved vehicle calibration and a greater reliance on residual salt, ie avoiding unnecessary treatments and over-salting. It is an understandable reaction, particularly during extreme conditions, to apply salt repeatedly to try to clear snow as quickly as possible. This is not effective and more salt does not necessarily mean faster snow clearance.

At the end of March 2011 when the contract with Salt Union expired, the County Council's salt stock holding stood at just over 19,000 tonnes. Notwithstanding the benign conditions experienced between January and March, the County Council intends to have in excess of 30,000 tonnes available by 1st October 2011 to cover all potential eventualities, including disruptions to the supply chain. To achieve this will involve ensuring all facilities are full to their maximum operational capacity from the outset, together with an increase in the strategic reserve at Myerscough Smithy and the conversion of Bescar from an operational depot to a 1,000 tonne capacity reserve. The two priority gritting routes that previously operated from Bescar will transfer to Wrightington.

Salt Union will again be the County Council's salt supplier following a competitive tendering process. The contract covers the 2011/12 and 2012/13 Winter Seasons and provides for the delivery of 20/30 tonne loads to any depot and strategic reserve in the county, including in-season top-ups. The price per tonne of treated salt delivered has risen by around 17% compared to 2010/11, largely because of the recent rise in the cost of diesel.

For the forthcoming winter, the County Council intends to utilise Salt Union's Salt Stock Management System to enhance salt stock management and improve resilience. Under this system, the supplier maintains stock levels between pre-defined minimum and maximum quantities during the season, where the minimum level provides an acceptable degree of resilience without the need to draw on the strategic reserve.

The availability of disposable sheeting enables the covering and weatherproofing of previously open stockpiles, thus ensuring salt remains useable in the future. Options to increase capacity to hold more salt in stockpiles are under investigation.

The Environment Directorate has discussed the supply of small quantities of salt with other directorates across the County Council, although issues of quantity and distribution from Myerscough Smithy have yet to be agreed.

Review Actions:

- The County Council will increase its available salt stockholding to 30,000 tonnes by early October 2011 to improve resilience;
- Steps to ensure that salt usage is adequate and proportionate will continue, complemented by refresher training for those involved in delivering the Winter Service, including decision makers and gritter drivers;
- A review of the decision and treatment matrices will maintain compliance with national codes of practice and guidance and any changes incorporated as policy in the Winter Service Plan 2011/12; and
- Work to identify options for increasing salt storage capacity will continue.

Dealing with Snow

The County Council performed well in keeping the Priority Road Network operational throughout the last winter, although there were difficulties associated with compacted snow and very low temperatures in Fylde and West Lancashire, particularly the Ormskirk and Skelmersdale areas during December 2010 where experience of such conditions is extremely limited. The County Council has purchased 30,000 litres of liquid de-icer for future use in circumstances where temperatures fall below the threshold for effective salt use and compacted snow proves resistant to snow ploughing. However, this is a relatively expensive product and is intended for use on the Priority Road Network only. A 50:50 salt/grit mix can also be effective as it will aid traction and act to break up snow and ice. Grit sand is a readily available material and can have an important role to play, particularly on the Secondary Road Network at times when supplies of rock salt are scarce.

Review Actions:

- Pre-winter season training programmes will incorporate lessons learnt from last winter, particularly with regard to snow ploughing given the increased emphasis on ploughing in national guidance; and
- Additional guidance will be prepared for the use of liquid de-icer.

Gritting Routes Review

A review of gritting routes is currently underway to determine whether the County Council has appropriate network coverage for Winter Service consistent with the policies of the Winter Service Plan and the wider objectives and priorities of the Local Transport Plan. In particular and in light of last winter's experiences, this will ensure coverage of economically important infrastructure.

The work includes a review of unclassified roads in the Priority Road Network for consistency with criteria in the Winter Service Plan and the development of an inventory of compliance. This will assist in identifying any inconsistencies in the Priority Road Network and between the Priority and Secondary Networks. Development of criteria for defining the Secondary Road Network should ensure a consistent, county-wide approach and hence reduce the risk of potential claims. An 'Assessment of Need' approach in similar vein to the Grit Bin Assessment Form will be available for use when considering requests for additions to the Secondary Road Network.

A key part of the review has been to establish the situation with regard to cross-border routes, particularly the networks and treatment regimes of neighbouring local authorities. This has identified a number of inconsistencies with regard to unclassified roads, for example, cross-border roads in the County Council's Priority Road Network that are either not treated at all by the neighbouring authority or are part of its Secondary Network. Conversely, there are isolated examples of cross-border roads that the County Council does not treat but which form part of a neighbouring authority's priority or secondary networks.

The County Council has considered the feasibility of accommodating more bus routes operating at least a ten minute service frequency. However, the proliferation of bus routes and associated increase in areas served following the introduction of smaller buses means that the bus network is now far too extensive to be included in the Priority Road Network completely. Subject to the negotiation of satisfactory arrangements with owners, the County Council will incorporate all bus stations that serve the bus network in the County into the Priority Road Network.

Following discussions with various partners, the County Council added the defined Secondary Road Network to MARIO, the web-based mapping system accessible by the public, enabling the location of critical infrastructure to be reviewed against this as well as the Priority Road Network.

Review Actions:

- Accommodate any additional road lengths identified through the review into the existing network of 49 priority gritting routes or the Secondary Road Network; and
- Update policy in the Winter Service Plan with regard to the Secondary Road Network.

Technological Advances

The Winter Service has benefited in recent years from improvements in technology, for example, vehicle tracking using GPS. The County Council has introduced computer systems for the recording and dissemination of decisions and these are under continuous improvement to enhance the efficiency and effectiveness of the Winter Service.

Since 2005/06, a number of highway authorities including the County Council have been working with the Met Office to develop Route-based Forecasting with decisions based on the weather conditions for each route rather than area-wide conditions. The County Council trialled two routes during the 2009/10 winter, and to conclude the trial, during the 2010/11 winter the Met Office provided all 49 Priority Gritting Routes with a route-based forecast in addition to the normal area-based 'Domain' forecast. The aim is to migrate all forecasting to the Route-based approach in the next few years to deliver better decision making and the potential for more efficient use of resources. The County Council will undertake a comprehensive review of all gritting routes prior to its full introduction.

Priority Footway Networks / Self Help / Grit Bins

The national Winter Resilience Review found that there is a wide gap between public expectation and local authority resources on the issue of footway treatment, with very few local authorities prioritising the treatment of, or the clearance of snow from, footways. The Review concluded that whilst public expectation is reasonable, it would never be possible to resource local authorities to perform the task other than in selected pedestrianised areas and accesses to hospitals, bus and railway stations and schools.

The County Council has identified Priority Footway Networks in each of the 12 District Council areas with the intention that when resources permit, these networks receive a post-salting treatment during periods of continuous icing/snow commencing not more than 24 hours after the start of the event. This is set out as policy in the Winter Service Plan.

The Review also highlighted the confusion over what steps individuals could take to help themselves and others in tackling snow and ice. It concluded that whilst it is very unlikely that any individual would be sued for taking action, there is a practical problem in deciding what the relevant standard of care of a typical individual should be. The Review recommended that the Department for Transport should develop, in collaboration with local government and appropriate experts, a code setting out good practice for Members of the Public, including business owners, in clearing snow and ice from footways. The Government subsequently published guidance for individuals with regard to clearing snow and ice from pavements on 3rd November 2010. This guidance was included in the County Council's Winter Service Plan and made accessible via the County Council's web site.

The County Council currently has over 1,800 grit bins and heaps and for winter 2010/11 procured 500 tonnes of untreated salt and an equivalent amount of grit to supply grit bins with a 50:50 salt/grit mix. A shortage of salt combined with the need

to focus on the Priority Road Network had compromised the effectiveness of grit bins during the previous two winters. Prior to that, grit bins had been effective in providing a self-help facility at locations with difficult terrain. Whilst the introduction of a salt/grit mix reduced the amount of salt required compared to previous years, thereby contributing to increased resilience, the mix nevertheless still provided de-icing in typical winter conditions and better traction on snow. Inquiries with other local authorities indicate a 50:50 mix to be optimum with further reductions in the proportion of rock salt potentially compromising the de-icing property. A facility for the mixing storage and distribution of the salt/grit mix is available at Myerscough Smithy, Samlesbury.

There remains a widespread misunderstanding of the role of grit bins and ongoing misuse of the facility. The role of grit bins and how they are utilised is part of the ongoing discussions with District and Parish/Town Councils referred to later in this report and will form part of the developing communications strategy. All County Council grit bins will have a 'Highway Use Only' label attached to discourage misuse of the material and each bin will be identifiable by a unique reference number.

Review Actions:

- To make details of the County Council's Priority Footway Networks more widely available; and
- An audit of grit bin and heap locations to validate the information shown on MapZone.

Availability of Additional Resources during Severe Winter Conditions

In typical winter conditions, much of the Winter Service relates to precautionary salting of the Priority Road Network in advance of an overnight frost, usually accounting for more than 90% of the County Council's winter activity. The gritter fleet and work force resource requirements are known and the service reliably delivered. Responding to extreme and prolonged conditions is more difficult to plan for and the resources needed in any one year may be significantly different to those needed the next year. The County Council maintains a fleet of specialist plant available for deployment such as snow blowers, snow blower attachments, reserve gritters and other vehicles capable of taking snowploughs. All of these require suitably qualified and trained staff to ensure that their use is efficient and effective.

A key recommendation of the national Winter Resilience Review was for local authorities to collaborate with and support lower-tier authorities to help ensure that maximum practical winter support is available in areas and communities beyond the treated networks, including the treatment of footways and pedestrianised areas. For the winter of 2010/11, the County Council engaged with District Councils, Parish and Town Councils through the Lancashire Association of Local Councils (LALC) and with interested farmers and contractors to improve resilience in dealing with prolonged severe winter weather.

The County Council invited District Councils to identify for consideration potential extensions to the Priority Road Network and priorities for the treatment of the Secondary Road Network to facilitate local service delivery, for example, refuse

collection. The Winter Service Plan included a method statement for agreements with District Councils covering the treatment of footways or areas maintainable at the public expense and arrangements for the supply and storage of the salt/grit material.

Whilst there is a consensus that the involvement of the District Councils in delivering aspects of the Winter Service was more effective than in previous years, there are opportunities for further improvement. In particular, the decision-making process needs to be much clearer as, in some districts, there were uncoordinated treatments on a number of occasions, with the district council completing the gritting of its agreed footways well in advance of the County Council being able to treat the Priority Footway Network. There were also issues with the amount of material spread by hand, and district councils would welcome some guidance to improve this, although performance could improve significantly with greater use of mechanical spreaders.

Given the difficulties experienced during the winter of 2009/10, LALC expressed a desire to become involved with Winter Service provision, subject to formal agreement and resolution of relevant indemnity, cost and resourcing issues. The County Council therefore invited LALC to canvass interest from amongst its members in piloting assistance. As with District Councils, the Winter Service Plan included a method statement for such agreements covering the treatment of footways or areas maintainable at the public expense and arrangements for the supply and storage of the salt/grit material. A review of the Parish Council Winter Service pilot is attached as Appendix 'B'.

Following the significant snowfall in West Lancashire on the night of 17th/18th December and the subsequent near record low temperatures, the County Council faced a significant challenge in keeping the Priority Road Network open to traffic in and around Skelmersdale and Ormskirk. There were particular issues with regard to ASDA's regional distribution centre in Skelmersdale. The County Council gave permission for ASDA to use at their own expense, an approved contractor to clear snow from roads the company needed to use that were not on the County Council's priority or secondary networks and to supplement snow clearance achieved by the County Council's own resources on the Priority Road Network. With this experience in mind, discussions are in hand with representatives from other businesses in Skelmersdale who experienced significant business disruption last December and have subsequently expressed an interest in supplementing the County Council's Winter Service with their own resources should the need arise again. It is proposed that self-help of this nature be enabled in other appropriate circumstances.

The County Council invited applications from farmers and contractors to supply suitable plant with operators to carry out snow clearing works on roads and footways as and when required by the County Council. There were over 30 responses and the County Council made use of these additional resources in all three operational Areas. Farmers and contractors provided support at times when County Council resources were stretched, particularly outside normal working hours. Similar arrangements will be in place for the forthcoming winter.

Review Actions:

- Review existing instructions and processes for treating footways to improve co-ordination between the County Council and District Councils, particularly in town centres.
- Update policy in the Winter Service Plan in light of experience with regard to method statements for agreements with District, Parish and Town Councils.
- Update policy in the Winter Service Plan in light of experience with regard to the use of farmers/private contractors/businesses.
- Resolve outstanding indemnity issues with regard to District, Parish and Town Councils.
- Enable self help arrangements in appropriate circumstances.

Communications Strategy

There remains an unrealistically high public expectation about what the County Council can achieve in dealing with the effects of winter weather generally and during severe conditions in particular. It is therefore essential to articulate clearly to a wide audience the County Council's Winter Service policies and procedures, and the circumstances in which the County Council implements them. The County Council must also ensure effective communications both internally and externally on a day-to-day basis throughout periods of severe winter weather so that all stakeholders can access information appropriate to their needs.

Following the challenging winter of 2009/10, the County Council developed a specific communications strategy and action plan for winter 2010/11 to support and complement delivery of the operational Winter Service. Partners welcomed this initiative and were keen to ensure that key messages were well publicised and that up to date and accurate information would be available to them to enable them to better plan their services in severe conditions. The Communications Strategy focused on the following key areas:

- Public information - information about the Winter Services was made available proactively, in relation to both 'static' information about county-wide policies on the treatment of roads and footways, and 'live' information about front line service activity during periods of cold weather.
- Media relations - a comprehensive media relations campaign engaged with the media in advance of the winter season and at set milestones throughout the duration.
- Stakeholder relations - targeted communication with key internal and external stakeholders ensured circulation of accurate and timely information about the County Council's approach to Winter Service delivery.

Stakeholders found the twice-weekly Winter Service bulletins particularly useful, with 90% of respondents to a questionnaire finding them fairly or very useful.

The public's perception of Winter Service delivery during the winter of 2010/11 was measured through the 'Living in Lancashire' public opinion panel survey. This found

that around half of respondents were satisfied with the winter gritting services on main roads across Lancashire (52%) while around a third were dissatisfied (35%). This compares favourably with the previous year when only 36% of respondents were satisfied with winter gritting services and 53% were dissatisfied, and represents an increase of 16% in satisfaction levels.

Lessons learned from the winter 2010/11 Communications Strategy will inform development of the communications strategy and action plan for the forthcoming winter, with greater emphasis placed on the role of the gritting teams and on how the public and businesses have a role to play in preparing for the winter ahead.

Review Actions:

- A comprehensive communications strategy is under preparation. An outline draft setting out the key elements of the strategy is attached as Appendix 'C'.

Stakeholder Engagement

Meetings have taken place with the following:

- i) Representatives of District Council Chief Executives
- ii) Emergency Services and the Primary Care Trusts
- iii) Bus and Rail industry representatives

Consultations

The background and advice section above sets out consultations undertaken to date.

A wide-ranging schedule of briefings will take place in the autumn to reach a range of key target groups including all County Councillors, District Councillors and Parish and Town Councils, MPs and frontline workers.

Further internal and external consultations will continue, as appropriate, up to and during the 2011/12 winter season.

Implications:

This item has the following implications, as indicated:

Risk Management

The County Council will deliver the Winter Service in accordance with its approved Winter Service Plan. The issues and actions under review as described above may lead to increased risk of claims and require strategies to manage such risks as effectively as possible.

Financial

Prospective changes to the Winter Service may have financial implications that cannot be accurately determined at this time but will be contained within the highway maintenance budget or, if that proves impossible, within the wider Directorate budget.

The budget set aside to deliver the Winter Service in 2011/12 is £3.9m. This is a demand-led service dependent upon the weather, and service provision will continue as necessary beyond this budget if necessary. Any resultant overspend will initially be met from underspending elsewhere in the Environment Directorate revenue budget and/or from central contingencies/ reserves.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
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Nil.

Reason for inclusion in Part II, if appropriate

N/A.

Winter Service Review 2010/11

Delivering the Winter Service in Lancashire

The Statutory Basis

The statutory basis for Winter Service is Section 41 of the Highways Act 1980 as amended by Section 111 of the Railways and Transport Safety Act 2003. The first part of Section 41 now reads:

“(1) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (4) below, to maintain the highway.

(1A) In particular, a highway authority are under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.”

What's involved

'Planned Service' – precautionary treatment of the Priority Road Network in advance of the formation frost/ice and usually forming more than 90% of the County Council's Winter Service activity.

'Reactive Service' – clearance of the network in periods of snow and/or persistent ice, and usually forming less than 10% of Winter Service activity.

The Aim

The County Council aims to provide a winter highway service that, as far as is reasonably practicable, will permit the safe movement of traffic on priority roads at all times and keep to a minimum delays and accidents in which ice or snow is a contributory factor.

The County Council recognises that it is un-economic, impractical and indeed unjustifiable to treat the whole highway network when undertaking planned Winter Service operations. It is therefore necessary to identify clearly the priority carriageways and footways that will receive preferential treatment for salting and snow clearing

The Priority Road Network

The Priority Road Network comprises some 2,500km of carriageway (approximately 35% of the network) and includes all non-trunk Motorways and Primary Routes, principal ('A' class) roads and varying proportions of the remaining highway network maintainable at the public expense dependant on the topography and climate of the area in question. It specifically excludes housing estate roads and minor roads without appreciable gradients, nor does it include all bus routes; the proliferation of bus routes and associated increase in areas served following the introduction of smaller buses means that the bus network is now far too extensive to be included in the Priority Road Network completely. The Priority Road Network is viewable on both MapZone and MARIO, the latter accessible by the public.

Priority Road Network Hierarchy for Precautionary Salting	
Category	Definition
1	Non-trunk Motorways and Primary Route Network ¹
2	Remaining Principal ('A' class) roads
3	All 'B' class roads and other roads open to all classes of traffic: <ul style="list-style-type: none"> • between or through large centres of population • serving hospitals, ambulance and fire stations, and the facilities of critical infrastructure providers • leading to main centres of employment and transport interchanges • important public transport routes with a service frequency of at least one bus per ten minutes and bus stations • leading to important industrial and military establishments • providing single access to villages

Delivering the Planned Winter Service

The County Council's front line fleet comprises 49 dedicated gritters, one for each gritting route in the Priority Road Network, operating from 10 depots across the county. During the winter of 2010/11, they spread just less than 20,000 tonnes of salt, a reduction of around one third compared to the previous winter.

What Happens During a Severe Weather Event

In addition to the Priority Road Network the following are also treated:

- A Priority Footway Network comprising access to/from transport interchanges, main employment centres and main shopping centres and access on the highway adjacent to main hospitals; and
- A defined Secondary Road Network comprising a further 1,000km of unclassified minor roads in both urban and rural areas, also viewable on both MapZone and MARIO, but only during daylight hours.

Treatment of the remaining road network will only commence on a priority basis once the defined Priority Road Network, the defined Secondary Road Network and the defined Priority Footway Network are all maintained clear, but only during daylight hours. Some minor roads and cul-de-sacs will inevitably have to thaw naturally. Other footways, cycle tracks and cycleways do not receive any precautionary or post salting treatment, with snow clearance considered on a priority basis only as and when resources permit.

De-icing Materials

The County Council uses rock salt to prevent the formation of ice on carriageways (pre-treatment or 'precautionary' salting) and to facilitate the removal of ice and snow from carriageways and footways (post-treatment, ie continuing salting following the formation of ice). Salt de-ices by lowering the freezing point of water, but becomes increasingly ineffective below -5C and will not melt ice below -9C. It also turns snow into slush but

¹ The Primary Route Network (PRN) comprises all-purpose trunk roads and the more important local authority principal ('A' class) roads which, in conjunction with motorways, provide a national network for long distance traffic serving places of traffic importance throughout Great Britain. Primary Routes are identifiable by direction signs with a green background.

requires the passage of vehicles to improve its effectiveness; large accumulations of snow need clearing first through ploughing. Repeated applications of salt to try to clear snow as quickly as possible are not effective: more salt does not necessarily mean faster snow clearance.

Rock salt comes from a non-renewable source and its storage and use in high concentrations can have environmental consequences: it can adversely affect vegetation, pollute watercourses and leave residue on roads and footways. In the interests of sustainability, the County Council aims to deliver an efficient, effective and proportional response and ensure that it uses only the minimum amount of salt necessary to deal with the prevailing conditions. Whilst alternative materials are available, their cost can be extremely high and in some cases, there are also environmental consequences to consider. However, they may prove to be cost effective in specific locations, for example, using a salt/sand (grit) mix to treat footways. Grit alone will also improve traction on roads at times when rock salt is in short supply.

Salt stockpiled at the County Council's 10 operational depots is treated with 3% 'Safecote', a molasses-based derivative; the strategic reserve is untreated salt. Treated salt gives a better distribution on the road and removes the wind-blown problems associated with untreated salt. Ensuring a greater proportion of the salt spread settles on the road allows a lower spread rate without compromising the de-icing effect, making the treatment cost neutral and contributing to enhanced resilience. 'Safecote' also acts as an anti-corrosion product potentially reducing the corrosive impact of salt on plant and infrastructure. The County Council's carriageway treatment matrix is in line with national policy and codes of practice and ranges from 7.5g/m² for general precautionary treatment up to a maximum of 40g/m² for certain snow conditions.

Salt stored at operational depots is covered to protect it from water ingress. There are salt domes at Cuerden, Heasandford (Burnley) and Whalley, salt barns at Caton and Wrightington and the County Council has use of an old railway tunnel at Bacup. External stockpiles at Accrington, Garstang, Singleton and White Lund (Morecambe) are covered with disposable sheeting. The move to cover all external stockpiles has reduced wastage and contamination significantly.

The County Council's salt supplier for the 2010/11 Winter Season was Salt Union Ltd at Winsford. Following a procurement exercise, Salt Union Ltd was the successful bidder for a 1+1 contract covering the 2011/12 and 2012/13 Winter Seasons. The contract provides for the delivery of 20/30 tonne loads to any depot and strategic reserve in the county, including in-season top-ups.

The County Council has purchased 30,000 litres of liquid de-icer for future use in circumstances where temperatures fall below the threshold for effective salt use and compacted snow proves resistant to snow ploughing.

Plant

The County Council's front line fleet comprises 49 dedicated gritters with capacities of four, six and nine cubic metres. These are normally procured new on a ten year cycle and spend between seven and ten years in the front line with some spending up to a further three years in reserve. All front line gritters are fitted with GPS tracking devices to enable the plotting of a gritter's position against time. Other data collected includes whether the gritter is salting and if so at what rate and width. Each gritter is paired with a dedicated snowplough for use in times of snow. The reserve fleet comprises 16 gritters providing

back up to the front line fleet and an additional resource to treat the Secondary Road Network during incidences of severe winter weather. The County Council also has available dedicated snow blowers, two snow blower attachments and various towed gritters, together with 50 hand gritters for use treating footways. For the 2011/12 winter season, footway snow blowers, snow shovels, modified vehicles for liquid de-icer applications and tractors fitted with snow ploughs will also be available.

Labour

For around one week in three, some 150 drivers are rostered on standby and can be called out at any time to respond to winter weather situations. They are supported by around 40 depot supervisors similarly rostered, who manage the depots, monitor the lone working of drivers, receive and record real time data from the gritter drivers, including salt use, and update the County Council's decision-logging system (IceMan) accordingly.

Grit Bins

The County Council currently has over 1,800 grit bins and heaps and for winter 2010/11 procured 500 tonnes of untreated salt and an equivalent amount of grit to supply grit bins with a 50:50 salt/grit mix. Whilst its introduction reduced the salt content compared to previous years, the mix nevertheless still provided de-icing in typical winter conditions and better traction on snow. A facility for the mixing storage and distribution of the salt/grit mix is available at Myerscough Smithy, Samlesbury.

Winter Weather Forecasting Service

An effective and efficient winter service requires the availability of reliable and accurate information about weather conditions at appropriate times during the decision-making process. The Meteorological Office will be the County Council's winter weather forecast provider for 2011/12, after which the service will be subject to a procurement exercise.

Between 1st October and 30th April, the Met Office supplies the County Council's decision makers with daily weather forecasts and reports dedicated specifically to roads within Lancashire. Forecasters also continually monitor observations from a network of weather stations across Lancashire, which supply information to a central computer based at the offices of Vaisala in Birmingham. County Council staff can access the Met Office's wide range of radar images and predictive sequences for precipitation type and intensity. A duty forecaster is also available 24/7 for staff to consult on any forecasting issue.

Since 1987, the County Council has used Domain or Area based forecasts generated from the three Primary Forecast Sites, one in each operational area. Since 2005/06 a number of highway authorities including Lancashire County Council have been working with the Met Office to develop Route-Based Forecasting, with Lancashire initially trialling two routes during the 2009/10 Winter Period. To conclude the trials, during the 2010/11 Winter Period all 49 Priority Gritting Routes had Route-Based Forecasts in addition to the normal 'Domain' forecast. The County Council aims to migrate all forecasting to the Route-Based approach in the next few years. This will deliver better decision making and the potential for more efficient use of resources, with decisions based on each route rather than domain or depot.

Decision Logging System

The County Council uses the IceMan system supplied by Vaisala to record all details of decisions and actions taken. IceMan provides a full audit trail with information input on a daily basis throughout the Winter Period. The reporting day is from 12.00 noon to 12.00 noon the following day, and an action plan for each of the 49 Priority Gritting Routes must be completed by 15.00 each day. Nominated officers in each Area office have access to IceMan and responsibility for inputting the required information, including as far as is possible accurate salt usage for each action. All action plans must close by 12.00 noon the following day.

Monitoring Service Delivery

'Exactrak', the GPS gritter tracking system currently used by the County Council, allows a continuous audit trail of activities showing time, location and what gritting activity was being undertaken.

The current method of service delivery requires drivers to learn at least one route from their depot; this has obvious difficulties and inefficiencies. Recent developments in satellite navigation technology mean that a route can be fed into a satellite navigation device together with automated salting information. The driver only needs to follow the navigation instructions, with the device applying salt to the correct sections of road. The County Council began trials with two systems during the 2009/10 winter which will continue with a view to selecting a system that can be rolled out across the entire fleet in future. This will allow any driver to drive any route, without prior knowledge of that route, enabling much more flexible use of labour resources, particularly during severe weather conditions.

Parish Council Winter Service Pilot Review

Throughout the 2010/11 winter, the County Council worked in partnership with a small number of Parish and Town Councils to deliver a service aimed at helping to maintain access to important local amenities and services that might not otherwise have been treated as part of the routine Winter Service. The County Council provided lockable grit bins, salt piles and supplies of salt/grit mix to enable local treatments to take place.

The Lancashire Association of Local Councils (LALC) initiated the pilot programme on behalf of the County Council by letter to all Parish and Town Councils in Lancashire. The letter invited Parish and Town Councils to submit Expressions of Interest setting out details of the locations to be treated, the local services that would benefit, proposed method of treatment, the resources available from the Parish or Town Council and the resources required from the County Council to facilitate the pilot. LALC also requested they provide information on indemnification.

The open nature of the offer produced a range of responses including requests to undertake carriageway treatment, footway treatment and non-highway land treatment. LALC passed on Expressions of Interest to the relevant County Council Public Realm Manager to develop and facilitate, including agreeing the areas to be treated and the resources the County Council would make available. However, due to the early onset of winter weather in November 2010, there was insufficient time to develop all of the pilots, with a number of responses arriving once the severe conditions were already well established.

Pilots operated in the following areas:

- Altham Parish Council (local arrangement not undertaken as part of the Pilot)
- Arkholme Parish Council
- Caton Parish Council
- Elswick Parish Council
- Freckleton Parish Council
- Kirkham Town Council / Wesham Town Council (through HMP Kirkham)
- Staining Parish Council

In Altham (Hyndburn), the Parish Council undertook to grit the main footways, acquired their own footway spreaders and provided the labour. The County Council agreed to provide the same salt/grit mix as used to treat the priority Footway Network, which the Parish Council collected from the depot. The Parish Council undertook no more than three treatments and used an estimated 15 tonnes of salt/grit mix.

In Staining (Fylde), the Parish Council received 7 lockable grit bins to treat the footways alongside the road running through the village from the village hall to the post office. The Parish Council supplied the locks for the grit bins, employing a private contractor who carried out a number of treatments throughout the winter season. The bins remain in place for the 2011/12 winter and the Parish Council wishes to continue with the service.

Parish and Town Councils participating in the pilot were able to treat the additional footways at their discretion with guidance on treatment provided by the County Council. The County Council requested they maintain accurate records of treatment and provide the County Council with copies, although this has yet to happen. Whilst no formal

agreements were in place with participating Councils, the County Council has developed a draft agreement for localised highway Winter Services, which will be available for use to manage existing pilots and to develop new ones.

In general, the reaction of the Parish and Town Councils involved in the pilot is positive, the main concern being the lack of footway spreaders, which limited the effectiveness of operations. There was also a very positive reaction from local communities to the initiative.

A number of Councils reported that they did not receive the initial letter from LALC and were therefore unable to participate. In future, communications from the County Council to Parish and Town Councils should therefore utilise the County Council's communication channels as a priority, supported by LALC as appropriate.

Operationally there is merit in developing a model pilot to address the issues raised, including area of treatment, resourcing and timing of operations. This will provide a template for negotiations covering the majority of circumstances but allowing for local flexibility. Whilst the lack of formal agreement did not present any significant problems, it will need addressing if the County Council determines to implement the initiative more widely. Public Realm Managers will need briefing to ensure there is consistency with regard to commitment, priority and purpose across the county.

The pilots identified a number of operational issues that the County Council will need to address if it intends to expand the initiative. A particular issue relates to the footways and areas to be treated. In a number of pilots, there was a distinction drawn between the County Council's defined Priority Footways and 'additional' footways the Parish or Town Councils would treat. Where a village did not have any identified Priority Footways, this did not present an issue as treatment was consistent. However, where priority and 'additional' footways connected, there was often a demarcation line between treated and non-treated footways. Given the ability of Parish and Town Councils to respond quickly there may be merit in allowing Parish and Town Councils in certain communities, where willing, to deliver all footway treatment. This would deliver a more consistent service but has clear implications on resourcing.

A related issue is the timing of treatments. Where Parish and Town Councils used their own staff, and in some cases resources, to deliver 'additional' footway treatments, the County Council permitted discretion in the timing of treatments. If Parish and Town Councils are to treat Priority Footway Networks, this will need to be in line with current policy as set out in the Winter Service Plan, and would require an instruction from the appropriate County Council Public Realm Manager to the Parish/Town Council to take action.

Winter Service Communications Strategy & Action Plan 2011-12 (draft)

It is advised that this plan is reviewed, amended and updated prior to the onset of winter to include any changes to service delivery.

Winter Service 2011-12 Communications Strategy & Action Plan

1. Introduction

This communications strategy has been specifically developed to support and complement the County Council's winter service operation.

The findings of the communications evaluation report, the annual results of the winter service 'Living in Lancashire' public opinion survey (February 2011) and feedback received through the Customer Service Centre have all been key in informing the content of this strategy.

2. Objectives

The three broad objectives of this strategy are to:

- **Clearly communicate and manage expectations** of the level of service that the County Council provides, with an emphasis on both the limitations of what we can realistically provide and on the service improvements included in our offer to residents.
- **Raise awareness of the public's own role** in dealing with severe winter weather so that individuals and businesses are more aware of their responsibilities and contribute to reducing the risk it presents to them and those around them.
- **Improve perceptions among relevant stakeholders** that the County Council is well prepared for winter and that, during periods of cold weather, it provides a timely and effective winter service.

3. Target audiences

- Members of the public throughout Lancashire.
- Members of the public travelling into Lancashire.
- Key stakeholders – County Councillors, District Councillors, MPs, key council officers, emergency services personnel (police, fire, ambulance), community leaders and other key public facing organisations.
- Businesses in Lancashire.

3. Key Messages

The following key messages will underpin communications activity and will be incorporated into all internal and external communications materials.

- Lancashire County Council has been working hard with its partners to put plans in place to prepare for the winter ahead.
- The County Council is working with District and Parish Councils to ensure the maximum practical winter support can be provided to communities across the County.

4. Approach

The strategy will focus on the following core work areas:

- **Public information** - improving the information about winter service made available proactively, both in relation to 'static' information about county-wide policies on the treatment of roads and footways and 'live' information about frontline service activity during periods of cold weather. To relay practical self help advice and information to members of the public and businesses on how they can prepare for severe winter weather.
- **Media relations** - establishing effective systems for providing intensive support and information provision to media during periods of extreme weather.
- **Stakeholder relations** - targeted communication with key internal and external stakeholders to ensure accurate and timely information about the County Council's approach to winter service delivery.

Communications will be delivered on a phased approach, with activity being more concentrated as the wintry weather becomes more intense or lasts for a longer period of time. Activity will broadly fall into two distinct phases:

- **Phase 1: Pre-winter communications**
- **Phase 2: Onset of winter (including severe weather)**

Phase 1 – Pre- Winter Communications Action Plan

Objectives:

- Clearly communicate and manage expectations of the level of service that the County Council provides, with an emphasis on both the limitations of what we can realistically provide and on the service improvements included in our offer to residents.
- To outline a comprehensive media relations campaign that engages target media in advance of the cold weather season.
- To support the pre-winter operational activity planning phase by engaging with the media in reporting what steps are being undertaken by the County Council and its partners in planning for the winter ahead.
- Through effective communication, reassure the public and businesses that the County Council is preparing effectively for the winter ahead, whilst at the same time informing and educating them on their role and responsibilities during the winter period.

Audience	Activity	Lead	Date	Status
Stakeholders (County Councillors, District Councillors, MPs, key council officers, emergency services personnel (police, fire, ambulance), transport providers and community leaders)	Ensure key stakeholders are fully informed and engaged prior to the start of the winter season. <ul style="list-style-type: none"> ▪ Face to face briefings (12 x districts) - Public Realm Managers to deliver area based briefings for councillors and other key stakeholders including Town/Parish councils who will be updated on operational activity; key messages any briefed on specific local issues, including lessons learnt (West Lancashire, Fylde) ▪ Circulate/issue web links of district maps of priority, secondary and priority footways networks. ▪ Briefing note - Draft and circulate briefing note for key stakeholders - Chief Officers, County Councillors, MPs, MEPs, external partner agencies. 			
Media outlets	Engage with the media in reporting what steps are being undertaken by the County Council and its partners in planning for the winter ahead. <ul style="list-style-type: none"> ▪ Host a series of localised media briefings at the depots, giving journalists an opportunity to speak to Public Realm Managers and front line staff. Prepare media briefing note. ▪ Issue a series of phased news releases (communicating a state of preparedness and public/businesses own role): <ul style="list-style-type: none"> ▪ New arrangements with District Councils 			

	<ul style="list-style-type: none"> ▪ New arrangements with Town/Parish Councils ▪ Winter web information – gritting routes on the website, twitter gritter, facebook, ▪ Pre-winter car advice and travel advice. ▪ Guidance on clearing footways – addressing any liability issues and tackling myths. ▪ Salt bins – guidance for use and misuse ▪ Guidance (from central government) reassuring the public and businesses that reasonable action will not leave them liable. ▪ Help direct offering. 			
<p>Members of the public</p>	<p>Lancashire County Council website</p> <ul style="list-style-type: none"> ▪ Review and refresh winter service web pages in line with changes to operational delivery and feedback from the Customer Service Centre. ▪ Gritting network - upload user friendly pdfs of the priority, secondary and footway networks in each district. ▪ Establish new campaign page giving clear homepage presence and direct links to the following information: <ul style="list-style-type: none"> ○ Relevant news releases ○ Snow code ○ PDF maps of priority and secondary route networks – district specific and update mapzone/mario ○ PDF maps of priority footway networks – district specifics and update mapzone/mario ○ Twitter feed and link to follow ○ FAQs ○ Advice for the public – their role, in case of emergency (downloadable info), road safety and so on ○ Weather and forecasting ○ Information on local road closures etc. ○ Report a road (potholes) ○ How businesses can prepare for winter ▪ Establish links to other key websites including bus, rail, airports, Highways Agency, Police, Fire, NWAS, RAC and AA. Explore a possible feed? ▪ Encourage key stakeholders including Districts and emergency services to link to the winter service site and gain agreement from District Councils to update their websites with County Council news releases. 			

	<p>Twitter & Facebook</p> <ul style="list-style-type: none"> ▪ Use the authority's twitter account to communicate real-time information on winter operational/news activity. ▪ Messages will be based on daily updates supplied to the media, website content and queries received through the customer service centre. ▪ Twitter - reintroduce and promote use of #lancswinter hashtag so that partner and public tweets can be aggregated into a single Lancashire winter feed. ▪ Facebook – explore posting key messages on key profiles including media outlets. ▪ Communicate the impact on operational services such as school and road closures, care services and so on. Re-tweet any winter related District Council messages. ▪ Gritting updates - develop protocol with Directorate key leads for contributing to updates. <p>Flickr</p> <ul style="list-style-type: none"> ▪ Use the authority's Flickr account to host relevant photographs – gritters, salt stocks, salt bins, winter scenes etc. ▪ Geotag so that users can view by location. ▪ Establish and contribute to group to encourage users to share their own winter pictures. <p>Youtube</p> <ul style="list-style-type: none"> ▪ Develop a short video clip/trailer to portray how we are preparing for winter based on the 'hero' concept. Publish to authority's YouTube channel, Facebook page and website. <p>Publications</p> <ul style="list-style-type: none"> ▪ Explore the possibility of including winter service information in district council publications. ▪ Develop key messages and copy for District, Parish/Town Council and schools newsletters. <p>Winter advisory leaflet and poster</p> <ul style="list-style-type: none"> • Design and distribute 1/3 A4 leaflet to inform the public of our operations and advise them of the County Council's services through the winter period. 			
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	<p>Distribute electronically to key agencies and upload to the County Council's website. Design and distribute poster encouraging members of the public to access further information in relation to winter service and self help. Quantities TBC.</p> <p>Customer Service Centre</p> <ul style="list-style-type: none"> • Deliver training session to staff handling calls on winter service. • Produce briefing note for the customer service centre informing staff of key operational activity and issue them with key messages and standard lines. Distribute note to customer service centres staff in District Councils. A bespoke briefing for district customer service centres may be required. • Continually monitor the nature of calls received by the Customer Service Centre, update communications channels based on any emerging issues. • To review and refresh (if appropriate) email responses to highways enquiries received. Include guidance on grit use on enquiries requesting grit bins to be replenished. 			
Schools	<ul style="list-style-type: none"> ▪ Develop a winter educational resource (with curriculum links) for schools ▪ Run a 'name the gritter' competition aiming to position Lancashire's gritters as 'heroes of the roads', helping shape public perception and recognition of the work they do. ▪ Draft copy with key messages for schools to include in their newsletters. ▪ Engage with head teachers to promote key messages and potentially how they can work with the County Council to prepare for the winter ahead. 			
Businesses	<p>Direct mail to businesses in Lancashire promoting our role, including limitations and practical suggestions on how they can prepare for winter.</p> <p>Explore distribution of information electronically via LCDL database, local business forums, Chamber of Commerce, social media etc.</p>			
Staff	<p>Internal communications</p> <ul style="list-style-type: none"> ▪ Establish winter campaign pages on the intranet ▪ Encourage staff to share their winter stories – via intranet pages, Team Talk and email. Promote any feature stories in fast forward. 			
	<p>Contact communications personnel of key agencies to brief them on activity and ongoing arrangements on updates to ensure consistency of messages.</p>			

Phase 2 – Onset of Winter Communications Action Plan

For the purposes of this action plan, phase 2 is communications based activity to be undertaken at the start of operational delivery of the winter service i.e. the start of treatment of priority routes. The emphasis of communications activity will be to proactively provide accurate and timely information to members of the public through the County Council's website and the dedicated winter watch hotline and relay consistent messages through key stakeholders.

Severe weather communications defined as prolonged period of treatment of the primary, secondary and priority footway network.

In the event of prolonged severe weather, communications with both the media and with the public will become of paramount importance. Therefore the communications activity will make greater use of broadcast and electronic media as key communications mechanisms to provide real-time information to the public, media and stakeholders. There is no doubt that public services will be affected in the event of severe weather, therefore keeping the public informed in this period will be crucial.

Objectives:

- To proactively provide accurate and timely information to members of the public and key stakeholders to ensure consistency of messages.
- To proactively engage with key media outlets (radio and TV) to relay timely winter service messages.

Audience	Activity	Lead	Date	Status
Stakeholder Engagement	<ul style="list-style-type: none"> ▪ Issue email updates for County Councillors, key officers and key external stakeholders (Police, Fire, and so on) e.g. first day of gritting, severe weather in certain parts of the County. ▪ Issue weekly updates to stakeholder database. ▪ Develop key messages and copy for District and Parish Council newsletters. ▪ Invite County Councillors and key stakeholders to accompany drivers on gritting duty. <p>Severe winter</p> <ul style="list-style-type: none"> ▪ Issue regular updates during any periods when winter service activities are escalated. ▪ Issue twice weekly briefings issued to stakeholders. ▪ Information liaising with emergency services will be key in conveying a 			

joined up response to the public.

PR and Media Relations

- Issue regular updates to key media outlets (based on operational reports). Updates sent to local radio to appear on travel bulletins
- Media photo call:
- Media invite to depots, photo call and opportunity to speak to frontline staff.
 - Invite journalists to go out on gritting duty.
- Potential news items:
- Re-communicate the practical limitations on treating footways/pathways etc however certain routes i.e. near hospitals etc will be given priority – 35% of the network treated and so on.
 - Plan ahead – if the weather deteriorates do you have a plan as to how you are going to get to work etc
 - Impact operationally – schools, CSC and so on
 - Driving safely in the snow
 - Safety messages – vulnerable people – help direct
 - Grit bins refilling
 - Working with Parish Councils – use Parish Clerks as spokespeople
 - Working with District Councils
 - Working with agricultural contractors
 - Promote positive news stories – encourage operational services to provide content e.g. actively contacting vulnerable people, schools working together and so on.
- Severe weather**
- There may be a particular emphasis on media outlets in certain parts of the County due to more significant snowfall.
- Daily updates issued as media releases during any periods when winter service activities are escalated, with the ability to escalate this to twice daily or more when conditions are extreme.
 - Regular specific updates provided to drive time radio bulletins across the County, i.e. where we grit overnight put forward a spokesperson for interview at 6.30am that can be used throughout the breakfast news bulletins.
 - Explore establishing a daily/regular ‘winter bulletin’ timeslot on a key radio

	<p>station.</p> <p>Potential news releases/photo calls:</p> <ul style="list-style-type: none"> ▪ Impact on operational services – adult and social care, schools and so on. ▪ We are working hard to keep Lancashire safe and moving, we have additional resources on standby should the weather deteriorate even further ▪ Re-issue guidance on clearing snow on footways – advise the public on what they should and shouldn't do ▪ Re -communicate the practical limitations on treating footways and key routes i.e. near hospitals etc will be given priority ▪ Impact on rural communities – are we working with local farmers to assist with snow clearance ▪ Offer features to key media e.g. a day in the life of... ▪ If appropriate use of de-icer (need to manage expectations) ▪ If appropriate the role of the salt cell. 			
	<p>Lancashire County Council website</p> <ul style="list-style-type: none"> ▪ Update campaign imagery. ▪ Consistently review FAQs based on calls received via winter watch hotline and queries received through the website. <p>Twitter & Facebook</p> <ul style="list-style-type: none"> ▪ Proactively update Twitter and Facebook, posting links to key messages, information. ▪ Reactively post messages on the impact on operational services. ▪ Repost any links that users may find particularly useful e.g. school closures. ▪ Facebook – post key messages on key profiles including media outlets. ▪ Links to MARIO/PDFs - informing the public of which routes are to be gritted and when. ▪ Real time gritting updates on Twitter and Facebook. ▪ 'A day in the life of...' – promoted via twitter to give members of the public an insight into the work they do, including the challenges they face. <p>Flickr</p> <ul style="list-style-type: none"> ▪ Update account with relevant photographs – the service in action, winter scenes etc. 			

Staff	Internal communications <ul style="list-style-type: none"> ▪ Re-issue staff notice to managers /staff requesting winter news stories – via intranet pages and Team Talk ▪ Potential Fast forward feature on impact on services and what actions staff are taking ▪ Relay key messages in Chief Executive's fortnightly email. 			
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5. Evaluation

- An increase of 4% in public satisfaction with the County Council's winter service delivery to 56% (52% in 2010/11). A new 'Living in Lancashire' survey will be commissioned in February 2012.
- Track the volume of calls generated to the Customer Service Centre, report and react on the queries processed. As well as the volume, there may be a comparison to be made with last year's information about why people called the Customer Service Centre, aiming to reduce calls on certain issues as they will have received the information elsewhere.
- Volume of hits to the County Council's website.
- No. of Twitter and Facebook message updates and re-tweets/reposts.
- Media coverage making comparisons to 2010/2011 coverage received.
- Feedback received from stakeholders.

Scrutiny Committee

Meeting to be held on 9 September 2011

Electoral Division affected: None

Draft Report of the Task Group: "Who Cares?" Cross Boundary Looked After Children

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

Attached at Appendix 'A' is the draft report of the task group "Who Cares?" Cross Boundary Looked After Children. County Councillor Peter Steen, chair of the task group, will present the report to the Committee.

Recommendation

The Committee is asked to:

- i. Approve the attached report and its recommendations, subject to amendments proposed by the Committee
- ii. Agree an appropriate mechanism for reviewing the responses to the Task Group's recommendations.
- iii. Decide how best to promote the findings of the report and maximise its impact on future policy and service development

Background and Advice

At its meeting on 8th October 2010, the Scrutiny Committee considered a report on issues surrounding the placement of children looked after across local authority boundaries, in particular the placements made in private-sector care arrangements (homes and foster care) into Lancashire of children looked after by other local authorities. The Committee agreed to establish a task group to look into the matter in more detail.

Membership of the task group

CC Peter Steen (Chair)

CC Terry Aldridge

CC Sam Chapman

CC Carl Crompton

CC Allan Knox

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

This item has no significant risk management implications.

There are no other major implications

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
N/A	N/A	N/A
Reason for inclusion in Part II, if appropriate		
N/A		

Lancashire County Council Scrutiny Committee
Draft Report of the Task Group:

"Who Cares? – Cross Boundary Looked After Children"

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Lancashire County Council Scrutiny Committee

Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Preamble

When social care services take a young person into their care, the local authority managing those services becomes the "Corporate Parent" and the young person becomes their "Looked After Child" (LAC) (alternatively known as a "Child Looked After" (CLA)).

At its meeting on 8th October 2010, the Scrutiny Committee considered a report on issues surrounding the placement of looked after children (LAC) across local authority boundaries, in particular the use and impact of private-sector care arrangements (homes/schools and foster care).

There was a strong view among councillors that this was a serious and important topic for local public scrutiny. Not only did they retain concerns about the variability in standards of care in the private sector and the role and performance of Ofsted, but the report of 8th October had begun to illuminate a disturbing raft of issues regarding the experience of so called "cross boundary LAC" in Lancashire, in particular the challenges and costs to local public service providers when they receive such placements into the area. It was also felt that there was significant scope for improved communication and data sharing between statutory bodies in tackling these issues, both beyond Lancashire and within the county. The Committee resolved to establish a task group to consider the issues more closely and take further evidence from the county council and a broader range of witnesses, including NHS, Lancashire Constabulary, the charitable sector, Ofsted and the Government Department for Education.

Of a total of around 64,000 of young people in care in England, around 21,300 (one third) are "looked after" by the social services of one local authority yet resident within the geographical boundaries of another, sometimes at some distance away.

This raises questions of who takes responsibility for providing care and support for these young people, how that happens and who pays. And whether the fact of crossing an authority area boundary makes the young people even more vulnerable than LAC generally to slipping through the support system net and to poor outcomes.

It is well documented and understood that young people going through and coming out of the care system will, statistically, be much more likely than average to experience poor life outcomes and generate a greater demand and dependence on

public services. So whilst in care, these young people will require significantly more support than average from the range of children's public and third sector services, including, for example, health, public protection and safeguarding, educational support, and youth justice : this in addition to the consistent "corporate parenting" they require from social care services. For one example, approximately 425 referrals per month to Lancashire's common assessment and referral team are so-called cross-boundary looked after children resident in Lancashire and missing from home. Each of these cases should initiate implementation of the multi-agency Lancashire Missing from Home Protocols and consequent demand on local public resource.

What we know: Duties - Government policy for LAC is enshrined in an ambitious and shared commitment called "Care Matters: Time for Change" , which involves all levels and departments of government cooperating to provide a more effective, integrated system of support for LAC so that they may begin to achieve better life outcomes. Lancashire County Council and its partners work to this policy.

When a young person is taken into care, this does not mean that he or she will necessarily remain living within the boundaries of their parent authority. For a variety of reasons, a proportion of children in care get placed outside their boundary in a variety of care settings. Indeed, it is not uncommon for one child to experience care settings in numerous authority areas.

The vast majority of these care settings are in the independent sector, namely commercial and charitable fostering and care home providers (the national ratio of foster placements to care homes is 3:1). Placement costs in the independent sector vary according to care setting and the complexity of additional needs in each case. As a ball park figure for the purposes of this review, an authority may pay £100 000 or more to place a child with challenging behaviour and complex needs for a year. They may pay around £40 000 per year for a foster agency placement.

Day-to-day care for the young person is then delegated - as normal practice - by children's care services to the provider, but full Corporate Parental duties and responsibilities remain always with the placing authority (also known as Responsible Authority): dedicated social worker input must continue to be provided by the Corporate Parent and overseen by the Corporate Parenting Board of that authority.

In addition, however, as soon as that young person becomes resident in another authority area, the range of local services, duties, responsibilities and commitments that apply generically to all other local young people can be assumed to apply equally to them. For some services, such as health and police, there are also priority duties towards all LAC in their area of responsibility, irrespective of corporate parentage. Furthermore, if a cross boundary LAC is subsequently found to be at significant risk of harm and becomes subject to Child Protection procedures, lead

responsibility for the child shifts automatically from the placing authority to the host authority.

There are also a number of statutory administrative duties for every children's services authority when it comes cross-boundary placements: requirement to notify to host local authorities and other statutory bodies when making or ceasing such a placement; and maintenance of a register of all LAC, which includes those incoming to the area and those placed outside.

If the numbers of cross boundary placements into an authority area are substantial, this can impact significantly on local public and charitable resources and the capacity of those services to deliver effectively, both for the youngsters who have been placed into the area and for existing young residents and their families. Furthermore, it can impact on the exposure of those services to liability for failing to fulfil their duties and commitments. Certainly, there are numerous and varied "symptoms" felt at a local level in Lancashire, including by local councillors and in particular anxieties about the variabilities in standards of care in the independent sector, indicating unmet needs of the cross boundary child and challenges for and for local service provision for all.

What we don't know. In any one locality in England and Wales, no-one really knows how many cross-boundary looked after children are living there because the reality is that no reasonably accurate data exists to tell them. There is, it seems, limited confidence by anyone at a local level that the system of notifications and register maintenance is functioning as it should. This has certainly been the experience in Lancashire and other "net importers" of cross boundary looked after children, such as Kent CC, Stockport MBC and Blackpool Council. For example, in October 2010, the figure available to Lancashire County Council for placements into the area by other local authorities was 825, but this was a figure judged by officers as so unreliable as to be counter-informative, partly because Lancashire County Council cannot be confident that it is being notified by other authorities when new placements are made in the area or when they cease. This is perhaps alarming when set in the context of a tight financial climate for public services going into the future, the "strikingly poor" life outcomes experienced consistently by young people who go through the UK care system, yet the increased public expenditure and initiatives in recent years in trying to improve things for them. (Govt source DCSF 2008). Nationwide, local authorities spend £2 billion per year on placements alone. But Government research has also illuminated that there doesn't seem to be and clear link between spend and outcomes.

Another unknown factor is the scale and nature of the independent care sector. As one county councillor puts it, "just because a young person is in care doesn't mean that they are being cared for". Certainly, it is the case in Lancashire – and the frustration of many committed and professional providers in our local children's services community, as well as of elected representatives – that local knowledge of

the sector is piecemeal, incomplete and far from satisfactory for the purposes of service resource planning and delivery for all. Certainly, that has been the case prior to this inquiry. Furthermore, the capacity for local control of it has been almost none. The Government agency Ofsted is the regulator and inspector for the sector.

"Not knowing what we don't know", as one councillor puts it is a real part of the problem here.

Membership of the task group

CC Peter Steen (Chair)
CC Terry Aldridge
CC Sam Chapman
CC Carl Crompton
CC Allan Knox

Terms of Reference

Whilst this is a piece of local public scrutiny, carried out by elected representatives on behalf of the local Lancashire public and with a view to bringing about local improvements, it became clear to councillors, both from the report of 8th October and initial consultations with potential witnesses, that significant and challenging issues relating to cross boundary placements are not exclusive to Lancashire. But it is also the case that there has been limited research work or scrutiny carried out to properly understand what has been happening and why; certainly not enough to create the kind of impact and changes to policy, practices and services that councillors feel is still needed. The Committee anticipated, therefore, that a more thorough piece of local scrutiny by a task group might illuminate solutions of benefit not just to Lancashire, but also to peer local authorities and, indeed, central government and its agencies.

The main perspective with this review has been less on the commissioning arrangements of the county council, or indeed any other local authority that might place its young people in Lancashire, and more on what happens once a cross-boundary placement has been made: the experiences of young people moving through the system and the quality of care provided, the duties of other statutory support services towards them and the capacity of the latter to deliver effectively and efficiently.

That is not to say that a close scrutiny of commissioning arrangements and practices within the county and of other peer authorities who make placements here is not a very important method for influencing improvements in standards of care and value for money for those placed out of area. This review simply offers something complementary to that.

The task group chose to structure its inquiries around the following terms of reference:

- Assess whether current arrangements to support cross-boundary Looked After Children in Lancs or from Lancs are effective and value for money in achieving standards of care as set out in Care Matters – Time for Change and Every Child Matters
- Establish what vulnerabilities there may be in the current arrangements, in particular with regard:
 - Safeguarding
 - Education
 - Access to health services
 - Community safety
- Identify whether these possible vulnerabilities increase any risks that the county council and other local service providers fail to fulfil their statutory duties in an efficient and value for money way
- Make recommendations for improvements

Methodology

The task group started with a strong base of evidence, drawn from the report considered by the Scrutiny Committee on 8th October (which also drew on information gathered from earlier scrutiny into this area in 2008) and the additional oral evidence provided by witnesses on that date. It also:

- carried out a series of information and evidence gathering sessions (see p...for witnesses), many of which took place off-site from County Hall around the county, in London, and in another authority area
- made a number of relevant site visits, including to a private children's home , the offices of a charitable fostering agency, a parish council meeting, and to the county council's Assessment and Referral Team
- commissioned in-house a short piece of analytical work on Ofsted data relating to independent care homes and other local data. (since the Ofsted policy is that this data must not be published, we are unable to append that analysis to this report.)
- sought some direct input from young people in care

Lancashire County Council Scrutiny Committee

Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Summary of Findings *(Please note, case examples to support this summary are scattered throughout the detailed Findings and written in italics)*

Providing effective care for LAC is a complex challenge, requiring a network of support structures and involving a variety of public services. Providing effective, integrated care for cross-boundary LAC is even more challenging and complex. This is mainly because not enough is known about them or about their care providers. It is also connected to the impracticalities of a social worker from one authority being able to engage effectively with services in another.

All of our witnesses, including independent care providers themselves, said that efforts locally to address the needs of cross boundary LAC when they encounter local services – for example, missing from home, sexual exploitation, health needs, crime and anti-social behaviour – are regularly hampered by both of these factors.

Numbers: The latest figure for incoming cross boundary LAC resident in Lancashire is 614 (although concerns remain around reliability of that figure). The breakdown between foster home and care home placements is not known, although nationally the figure is 3:1.

There are approximately 75 care homes operating independently in Lancashire. We have not been able to get the statistics for fostering agencies. Ofsted is the regulator and inspector of the sector. Over 80% of care homes are rated by Ofsted as good or satisfactory.

Lancashire County Council looks after approximately 1300 children. Around 60 are placed in the independent care sector in Lancashire. 302 are placed outside the area (24 are in private children's homes). There are many high standard providers in the independent sector, who are exemplars of good practice. Lancashire County Council has developed a Preferred Provider List (PPL) to suit the requirements of Lancashire's LAC.

Approximately 32 of the private care homes are not on the Lancashire PPL (we have not been able to get the statistics for foster agencies). This doesn't mean that they do not provide good care, but there are concerns that a number of them have poor Ofsted ratings, and furthermore that the county council has no jurisdiction over nor effective relationship with them.

Notifications and Information Sharing: This is a serious issue nationally. Performance of children's social care services in making statutory notifications to other local authorities and providing information relevant to a child's needs to other service providers is poor. Also, systems within Lancashire for recording, managing and sharing information on cross boundary LAC are relatively weak, although some impressive work has begun to address this. This results in unreliability in data and minimal information available for each case and when problems arise. Knowledge tends to be built up locally after arrival, although not necessarily in a coordinated way. This is a key concern for all the local agencies we spoke to.

The county council's assessment and referral team, which is situated within the central call-centre facility, is a most useful vehicle for identifying those cross boundary LAC whose safety and wellbeing needs may not be being properly met. It is also a resource that can pick up on cross-boundary placements of which the county council has not been notified and it can bring pressure to bear on out of area social workers to properly fulfil their duties to the child that has been referred. However, our evidence suggests that this team is limited in success and efficiency because it is a single agency body only.

Independent Sector: There are concerns by many we spoke to about variabilities in standards of care provided in the independent sector, with some providers failing to fulfil the commitments and policies they state in their advertising material. Children are in a care placement, but not necessarily being cared for. However, it is challenging for all those working in children's services – out of area social workers and local children's services alike and especially with regards to safeguarding issues - to identify when this is happening.

The issue of "double-funding" is also a very serious one, at least in relation to those LAC that have been placed in Lancashire by other local authorities. The public sector is charged once when a placing authority pays a provider to care for their LAC, often for an enhanced package of care to meet complex needs (this can be at around £100 000 or more). It is charged again when the provider accesses local services that it perhaps should be offering in-house, or when they fail to exercise effective care and control and a child reaches some form of crisis, for example acute mental healthcare or police involvement with repeated missing from home , sexual exploitation, or involvement in criminal activity. These services are all high cost.

Planning Permissions: There have been some exciting recent developments in how current planning laws may be interpreted in relation to the establishment of a children's care home. This now offers opportunity for localities to exercise some control over their scale and spread, and in accordance with local matters, such the environment and resource context and cumulative impact. It is now understood that planning permission can be required when a care provider wishes to convert a dwelling house into a care home catering for 6 children or less. Social responsibilities that localities have around provision of housing for any child in care and in areas typical for families remains exactly the same.

The challenge for Lancashire is that the children's services authority is held at the upper tier of local government and planning duties at the lower tier. To develop new attitudes and policies towards responsible control of the sector will require a coordinated approach.

Lancashire County Council: Safeguarding: carries out its safeguarding duties through the nine locality social care teams in coordination with the Safeguarding Unit. The central common assessment and referral team supports this. The county

council has a key role on the LSCB and the Children's Trust, both of which have responsibilities towards cross boundary LAC.

Safeguarding officers confirm that data quality of cross boundary LAC remains a significant challenge for them and that work is needed locally and nationally to rebuild confidence in the statutory notifications system and maintenance of a register. They say that cross-boundary LAC are an especially vulnerable group of young people but very difficult to keep track of. Work locally has begun to address this and to good effect, perhaps offering an example to peer authorities that face similar challenges. The aim of the Safeguarding Unit is to develop a single point of contact within the county council for information pertaining to cross boundary placements and a more robust system for recording, managing and sharing the information locally.

Data regarding the scale and nature of the independent sector, including access to all Ofsted reports, lies with the Commissioning Team rather than the Safeguarding Unit. Ofsted retain data protection concerns regarding wider release of this data to the statutory safeguarding community, although other evidence indicates that there is scope for legislative change and a reinterpretation of data protection laws.

Education Issues: Educational attainment of LAC is significantly poorer than the general school age population. In addition around 60% of LAC have some form of Special Educational Need (SEN), with 28 % have statements. Ensuring equitability of access to SEN and inclusion services can in practice be a challenge when it comes to cross boundary LAC. Resourcing for the duties and services provided by the county council's Virtual School for LAC do not extend to cross boundary LAC. There is some suggestion that government wishes to change this, but under current arrangements and weaknesses with regards notifications and information sharing, this would not be possible. Lancashire's Virtual school does not have the information that would be required.

Cross boundary LAC are understood to be especially at risk as "Missing from Education", incurring associated safeguarding risks as well as failing academically and socially. But under current practices and arrangements, it is especially challenging to identify where these youngsters are in order that actions can be taken to tackle problems.

Lancashire Safeguarding Children Board: Input from the Lancashire Safeguarding Children Board (LSCB) to the issues being addressed in this review has been limited. While we applaud the role of the LSCB in developing the Missing from Home Protocols and more recent attempts to understand and address the problems, we retain some concerns about the current capacity of the LSCB to fulfil its duties to cross boundary LAC.

Health Issues: LAC often have a number of health needs and frequently have complex issues around emotional well-being and mental health. In fulfilling their

duties, health services make no distinction between in and out of area LAC. But the distinction that must be made by social care services creates challenges for health services to offer equity of access and service. Cross boundary LAC can lose out. Access to mental health services (CAMHS) and waiting periods are generally worse. This is compounded by the size and complexity of the Lancashire public sector landscape. Furthermore, when health professionals are kept out of the care planning process and not informed about placements, this can impact significantly on their overall resourcing capacities, both for individual cross boundary LAC and existing service users. Health services welcome policy development and reform so that they may better meet the needs of cross boundary LAC. Current practices mean there is a degree of wasted activity. 16-18 year olds are especially at risk of not having their health needs met

Police Services: public protection and crime detection: Lancashire

Constabulary has duties around Protecting Vulnerable People and detecting crime. Cross boundary LAC feature in both these areas of police activity, in some cases to a major extent, and in particular "missing from home". However, efficiency and effectiveness are hampered by limited knowledge by the police of especially vulnerable cross boundary LAC and of care providers in the independent sector. There is no statutory requirement for a placing authority to notify the local police of a placement, nor do police have access to up-to-date information on private care providers.

The police lead on the Lancashire "Missing from Home" Protocols, which provide an integrated approach to building a more secure and settled environment for a LAC. These written protocols are an example of best practice that can be shared with peer authority areas. However, there are some concerns about the extent to which they are being implemented on the ground. This can be especially so for cross boundary LAC, as effective social worker engagement can be difficult to secure.

Youth Justice: There is a view of those working in youth justice services that many LAC accommodated in the independent sector, care homes in particular, are charged with very minor offences and appear before the courts. There are even more cases where they are taken into police custody as a result of an alleged offence. This is often for offences that youth justice professionals believe could ordinarily be resolved in the home, but the providers are exercising neither the proper care or control of their charges. Involvement with youth justice services is usually counter-productive to the long term interests of a young person and is very costly. Significant local efforts go into keeping young people out of the criminal justice system.

Cross boundary LAC are especially vulnerable to appearing in court without an accompanying "Responsible Adult" because of impracticalities of distances for social workers. And when taken into police custody, their care providers regularly do not

offer then an "Appropriate Adult in Attendance" service to support their welfare and help resolve the situation without charges .

Advocacy: The Lancashire Children's Rights Service provides independent advocacy and support to LAC on any issues or concerns they about their care or experiences. However, it is a service funded by the county council, so is resourced only to meet the needs of LAC in Lancashire County Council care and enquiries made by cross boundary LAC are directed to their home authority. In practical terms, ensuring equity of access for cross-boundary LAC to advocacy services is a challenge. But this could be addressed if a mechanism could be found to spread resources between authority areas.

Leaving Care: LAC face additional challenges in making a successful transition to independent adulthood. Leaving Care support is important (and a statutory requirement) to help secure positive outcomes. There is some unclarity over how cross boundary can access the "leaving care" support that they are entitled to.

National Government: Government is clear that there needs to be a reduction in numbers of cross boundary LAC. New duties were introduced in April this year to achieve this: out of area placements to be made by written request to a senior nominated officer; and to secure, where reasonably practicable, sufficient accommodation for LAC in their area.

We support this progress, although we retain concerns about its impact on the ground. There are challenges in ensuring compliance: inspection and monitoring is difficult because Ofsted inspections do not focus on compliance; and the political drive to a Localism agenda means that government is less prescriptive or interfering than before. The persistent poor performance of local authorities in complying with duties around notifications and maintaining a register demonstrate to us that there is a need for some form of monitoring and that localism has its limits in this regard. We also accept, however, that the localism agenda will take time to embed, but that in the longer term a change of culture at locality level will result in greater local responsibility.

While government is clear that it is devolving more responsibility to localities, we are encouraged that it continues to support and spread best practice, both by local authorities and by independent care providers. This is important and much needed work.

Role and Performance of Ofsted: Ofsted's role in supporting cross boundary LAC is crucial, which it carries through four strands of activity: regulation and enforcement; inspection of care providers; inspection of local authorities; research, analysis and information Services.

There is much anecdotal evidence in Lancashire of continued low quality practices by providers, sometime even for establishments rated by Ofsted as "good".

Regulation: As regulator, Ofsted issues licences and has enforcement powers to tackle failure to comply with legislative requirements. However, these regulatory teeth are relatively weak. Examples in Lancashire indicate that it is possible for poor practices to persist unchecked. Ofsted performance as regulator would benefit from a more supportive legislative framework. We believe that the balance of power is too much in the favour of the private sector.

Inspection: A new inspection framework for care homes was introduced in April this year. Early signs are that this is a positive development and helping to produce more meaningful and accurate assessments of care provision. Ofsted are now working on new framework for inspection of foster services. Further enhancements will result from the outcome of the Munro Review on child protection. The drive for these developments is to strengthen the focus on outcomes for children and young people and the quality of care provided.

However, we retain concerns about the capacity of Ofsted's inspection service to effectively challenge and erase poor or malpractice. We are not certain that Ofsted inspectors are sufficiently incentivised to be robust and challenging in their inspections. This is only exacerbated by a weak legislative backdrop for enforcement.

Ofsted do not consider value-for-money or analysis of financial arrangements in either their inspection or regulatory role. "Double Funding" – where a provider is paid by the placing authority to provide an enhanced package of care for a young person with complex needs, but then takes advantage of the availability of local public services to address those needs – is a significant issue in Lancashire (and, we understand, in Kent and Stockport). There is also numerous anecdotal evidence that some care providers fail to invest sufficiently in staff qualifications and continued professional development. The result is a specialist care-setting, where staff are neither skilled nor paid sufficiently to provide the care and control that their charges need.

We believe there is more Ofsted could do to make itself more easily accessible to the public and to professionals. Ofsted is not, for example, well understood by councillors. Ofsted's performance and capacity to consult with local communities and others locally, who often have valuable knowledge of standards in care provision, is poor. This is mainly because of the resource challenges they face, but it does we believe lead to a gap between what is happening on the ground and what is learnt during an inspection.

Inspecting local authorities: Ofsted focus on outcomes for young people. This reduces their capacity to inspect performance on compliance matters. This may be because of resource constraints. Ofsted do however look closely at commissioning practices, which is important regarding out of area placements. They do not systematically monitor the effectiveness of local authorities around notifications of

placements and maintaining a register. These systems are judged widely within the children's services community to have failed.

Research and Information Services: Cross-boundary LAC as a discrete group with their own set of issues have not yet been recognised specifically in Ofsted's research and analysis work.

The information service on the independent care sector that is available to local authorities through a portal would be a valuable information resource for the wider local safeguarding community. However, under current legislation Ofsted is not able to permit that. Our inquiries indicate that there is scope and appetite for a reinterpretation of the legal framework

Lancashire County Council Scrutiny Committee

Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Conclusions

Just because a young person is in care does not mean we can assume that they are being cared for. This conclusion is even more applicable to cross-boundary looked after children (LAC) than their peers who remain within the home authority area.

Furthermore, and counter-intuitively perhaps, the vulnerabilities of cross-boundary LAC seem to be even less easily identified by local safeguarding, education and health and well-being agencies than they are for children who remain within their families.

In fulfilling the general sense of our corporate parenting role as county councillors, this is not what we intend. And nor indeed does the Government in the policy of "Care Matters: Time for Change" or the more updated business plan of the new coalition Government..

This is not to then say that young people in care should never be placed across local area boundaries: in many cases, this will be the best option for them and more likely to lead to improved outcomes. The input that we had from young people supports this, as long as the quality of their care setting is high. But it is to say, that when a young person in care crosses a boundary, they become especially vulnerable to slipping through the support for a variety of reasons. We must do more to recognise and protect this discrete group.

Our conclusions overall fall into 4 main categories of concern:

- The challenges for local children's services and professionals to identify, understand and to meet the needs of cross boundary LAC, insofar as those agencies have duties and commitments towards them
- The variabilities in standards of care and control in the independent sector and the capacity of the current regulatory and inspection framework to ensure that the young people placed in it do not suffer from ineffectual care and malpractice
- An alarming waste of limited public resources: "double funding", where the tax-payer pays once for a "care package" and again to pay for complementary interventions of other public services, such as safeguarding, police activity, youth justice, and health services ; and expensive crisis management and repeated needs assessments in a host authority area that would not be necessary were those local public agencies better informed (this latter point was made strongly to us by the young people who shared their views)
- That we know that there is so much we don't know about this approximately 20 000 young people...but should

The Scrutiny Committee accepts the limits of what it can achieve through this task group, this for reasons of resource, scale and expertise. But it is nevertheless proud and confident that the task group has carried out the beginnings of some interesting and valuable work. We hope that others interested in developing policies and services for vulnerable young people in state care will find this report of use to them. Furthermore, the task group is most grateful for the input and enthusiasm of so many public and independent bodies and agencies, both in Lancashire and beyond, in seeking to investigate these issues honestly and thoroughly and to identify possible solutions. We are especially grateful to the input and support from our district scrutiny colleagues in Fylde, Rossendale and Wyre and from other local authorities, such as Kent, Stockport and Blackpool who share our concerns. We hope that they endorse the findings and conclusions in our review and we look forward to receiving any supplementary comments they may wish to make.

A special thank-you goes to those young people in independent foster care provision who contributed so maturely to our understanding of these issues by sharing details of their views and experiences.

Having said that, we also recognise the limits of the focus in this report to cross-boundary placements in independent fostering arrangements as opposed to care homes, even though it is likely that the numbers placed in the former will be higher than for the latter. Many of the issues that concern us apply equally to foster placements: we note, for example, some cases reported in the local media in recent months regarding experiences of such cases. Study of cross-boundary LAC in foster care requires further investigation.

The drive to Localism and efforts to provide integrated services for young people and their families within an authority area boundary are sound for both practical and economic reasons. And it is easy to see the benefits that accrue when services

cluster around a child in care, rather than a requirement to manage numerous, separate relationships with different agencies. However, it is also possible that these very "Children's Trust" structures, along with the drive to greater localism, may mitigate against ensuring that the needs of a cross-boundary child in care can be met effectively and efficiently.

For this reason, it is especially important that local authorities and other public service providers become especially vigilant in ensuring that all boundary crossings into their area – together with relevant information about needs and vulnerabilities – are made known to them in order that they can properly fulfil their duties and commitments. Equally, those agencies must be vigilant in ensuring that, for every placement out of area that they themselves make, they notify others in the same way.

Current arrangements for managing placements across boundaries clearly do not work, even though some of them are statutory duties to manage precisely these issues. More work is needed at a local level to address this, but more attention is also needed from central government and its agencies - for a temporary period, at least -to help rebuild the national support system. We are encouraged by the recent developments that have taken place, although more is needed, especially around compliance monitoring and accountability.

Local areas must also be supported to develop their knowledge of the scale and nature of the independent children's care sector in their area, as well as some degree of local control and influence, through planning powers, for example. This will allow them to support the role and performance of Ofsted as the regulatory and inspection body. In Lancashire, Ofsted's performance across the four relevant strands of its activity is a concern to us

We have no doubt that some young people are being let down, losing out, or some simply slipping through the support system net altogether. Our evidence proves that for a proportion of cross boundary LAC, we simply do not know enough about them to provide the attention and support they require from us, and certainly not in any cost-effective way.

Furthermore, for another proportion of cross boundary LAC, we simply don't know about them at all. And for each one of those, it is a risk for something seriously to go wrong to someone who is already vulnerable, and for it not be noticed or dealt with. The more young people in that position, the more that moves from 'risk' to an accident waiting to happen, and one that requires our one's own authority to take an active interest. These young people are not "someone else's problem".

It is impractical to be a proper corporate parent to a child placed at significant distance from you, especially those young people with complex needs. This point was especially highlighted by the young people whose views we sought. We

welcome the new duties around Sufficiency and Placement Authorisation that were brought in April this year

It is also our view that it is too easy to establish a private care home and it is too easy to deliver sub-standard of care and continue to operate. Ofsted's enforcement powers are too weak; their inspection and monitoring capacity too limited. There is insufficient linkage between the knowledge held by Ofsted and the knowledge held at a local level. We think that Ofsted needs to find a way to incentivise inspectors to deliver more challenging inspections. We also think that the role of Ofsted should include responsibility for monitoring the serious issue of "double-funding" and value for money. That said, we are encouraged by the recent and ongoing strengthening of their inspection regimes and the positive impact this is having.

Our concerns about the independent care sector are not a debate about public vs private care. We fully recognise that there are some excellent standards in the private sector. But if the private sector is to remain a policy choice of the state, both at a local and national level, it must be more heavily regulated and inspected than it is currently. And it must take more responsibility to support those local public bodies with whom it works to deliver the best possible services for young people and in the most efficient way.

Lancashire County Council Scrutiny Committee

Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Recommendations

That the County Council, together with its partners in the Children's Trust and Lancashire Safeguarding Children Board, designate "cross-boundary looked after children" as a discrete group amongst those groups that they define as "especially vulnerable" in relation to achieving the five life outcomes of the Every Child Matters agenda

That this report be circulated to Ofsted, DfE and Commons Education Select Committee for their information

That this report be submitted to other local authorities that are net "importers" of cross boundary LAC, and with whom this task group has had discussions, for their information and comments. That it be submitted as evidence to inform the upcoming scrutiny review by Blackpool Council into Children in Care

That the County Council recommend to Government that:

- It moves away from using the term "out-of-area placements", which defines a process, to defining "Cross-Boundary looked after children" as an especially vulnerable sub-group within the wider looked after children cohort
- A national, standardised system of notifications be introduced, with a requirement that all information pertaining to a child's health, safeguarding and education requirements be contained in one document that can be shared among those local service providers that need to know.
- Independent care providers to include within their obligations to inform their host area local authority of all new placements and end of placements of cross boundary LAC, as a means of strengthening the notifications system
- Care Standards Act 2000 Regulations be amended to allow for Ofsted data on the local profile of the independent care sector for children to be made available to safeguarding boards and a way found to ensure that relevant and important is able to be shared amongst agencies. Ofsted to take a place, if only on an annual basis, on local safeguarding boards
- There be a systematic monitoring by Ofsted of local authorities in relation to their performance on notifications and maintenance of registers. That this happens for a temporary period at least, until confidence has been restored in the system.
- Ofsted systematically inspects the performance of local authorities in fulfilling the new duties around sufficiency of in-area provision and authorisations for out-of-area placements
- the sufficiency duties be amended to include a requirement that health service colleagues are consulted about a placement before it takes place and that funding arrangements are in place to ensure that the child's access to acute health services, CAMHS in particular, are not compromised.
- Ofsted inspections to include analysis of financial arrangements so as to ensure overall value for public monies for services being provided.
- Ofsted inspectors to be given incentives to award a wider spread of care quality categories
- Further study into the issue is commissioned by government, including into outcomes for cross boundary LAC, analysis of overall costings for the public purse, and the views of young people in care or who have been through the care system. This with a view to a number of possibilities for further improvements. These might include restructuring Ofsted; strengthening its performance as an information provider as well as regulator and inspector; reconsidering the recommendation of the Education Select Committee to create a distinct social care settings inspectorate, separate from but linked to Ofsted

That, in the short term, the county council's Safeguarding Unit becomes the central coordinating point for all information regarding cross boundary LAC and a single point of contact for all other authorities and agencies.

That the Assessment and Referral Team within Care Connect be strengthened into a multi-agency facility, working alongside a more robust Lancashire Safeguarding Children Board. That the safeguarding board develop its membership to include representation from the independent sector.

That partner agencies and services of the county council commit to ensuring that referrals to the Assessment and Referral Team be more carefully considered by them and that more timely and detailed provision of supplementary information is given when requested by CART officers in assessing cases.

That the Cabinet Member for Children and Schools together with district colleagues with Planning responsibilities, develop an initiative through the Children's Trust network and with reference to the Lancashire Children and Young Peoples Plan and local development framework plans, to develop a county-wide planning policy on the private care sector for young people; in addition to the development of supplementary planning guidance that can be made available for district planners to provide advice on "appropriate locations" for children's care homes.

That the Lancashire Partnership, through the Children's Trust and the Lancashire Children's Safeguarding Board champion this cohort, and supported by the Corporate Parenting Board, overseeing how the Lancashire locality collectively is managing this particular challenge. And that the champion uses the evidence that has been gathered by this task group to identify and inform future developments and efficiencies in helping to improve the outcomes of this group. These might include: (1) arrangements for easy access for cross boundary LAC to the Lancashire Children's Rights service (2) easy access to the Leaving Care Services that a young person judges are the most convenient for them

That the County Council, in consultation with partners, considers the development of a multi-agency safeguarding hub, possibly according to the model of the Multi Agency Safeguarding Hubs (MASH) in Devon and Essex, for example. *"The **Multi-Agency Safeguarding Hub (MASH)** is the central resource for the whole of Devon receiving all safeguarding and child protection enquiries. The MASH is staffed with professionals from a range of agencies including police, probation, fire, ambulance, health, education and social care. These professionals share information to ensure early identification of potential significant harm, and trigger interventions to prevent further harm."*

That the Children's Trust supports the local third sector to bid for special funding from government to develop a mechanism that will allow for advocacy and employability services to be as easily accessible to cross boundary LAC as they are for those LAC and care leavers that remain within their home authority area. This to be developed with a view to sharing a business model that can also be used by other local areas. This funding is available from DfE under its Prospectus of November 2010 and its stated priorities to improve advocacy services for young people in care and employability opportunities for care leavers.

Lancashire County Council Scrutiny Committee
Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Witnesses

Cabinet Member for Children and Schools– Susie Charles
Executive Director for Children and Young People – Helen Denton
Chair of Corporate Parenting Board – Cllr Tony Winder
County Council Children and Young Peoples' Directorate

- Head of Safeguarding – Sally Allen
- Head Inspection and Audit - Tony Morrissey –
- Lead officer Leaving Care Services – Dave McHale
- Virtual head for LAC – Peter Doyle
- Common Assessment and Referral Team (CART)

County Council Office of the Chief Executive

- Ass County Solicitor- Dawn Naderi
- Senior Solicitor- David Croall
- Corporate Research and Analysis - Mel Greenslade

Ofsted

- Director Social Care – John Goldup

Dept for Education

- Deputy Director Children in Care Division – Kevin Woods

Lancashire Safeguarding Children Board

- Ian Critchley (Lancashire Constabulary)

Wyre District Council

- Planner – David Thow

Stockport Council

- Planner - Emma Curle
- Community Safety Manager – Steve Brown

Lancashire Constabulary

- Public Protection Unit DS Ian Critchley
- Public Protection Unit Judith Finney

Lancashire Health Economy (NHS: commissioning and provider perspective)

- Health Services Commissioning - Debbie Ross: Designated Children Looked After Nurse NHS East Lancs (on behalf of all Lancs PCTs)
- Health Services Provision - Sara Barr-Frost

Lancashire Children's Rights Services (Childrens Society)

- Programme Manager - Pauline Geraghty

Barnardos

- Assistant Director Children's Services – Paul Wilcox

Child Action North West

- Youth Justice Services – Faith Marriott
- Operations Manager Fostering Services – Andy Bennet

Ann Coffey MP

Witherslack Group – Private care home provider: Managing Director Mike Davy and Operations Manager Howard Tennant

Lancashire County Council Scrutiny Committee
Draft Report of the Task Group: "Who Cares? – Cross Boundary Looked After Children"

Findings

The care and attention given by a society to raising its young, in particular the most vulnerable, can be an emotive issue. But it is important when devising the best possible policies and services in this regard - and in scrutinising them - to avoid sensationalism. That said, we wish to make note here that the task group has been shocked by some of the practices it has become aware of and at what amounts to significant waste of public resources.

We have chosen to introduce our findings with the anonymised, single case history below, which came to the attention of the task group during the course of our inquiries. We present it in full here because, in one example, it illustrates so effectively what the issues are: quality of care provision; effectiveness of Ofsted inspection service; role and performance of local safeguarding community

Care School (not its real name and no longer open) was an educational and residential care home of long-standing for LAC and, according to the brochure, especially for those with challenging behaviours. It was run as a purely commercial enterprise and formed part of a wider business group operating in the children's care sector. In 2010, following inspection by Ofsted, it was rated as "good" and again given the same grading at the next inspection in 2011.

While Care School lay within the authority boundary of Lancashire County Council, it has not been used by the Council to place any of its LAC. All the young people resident at Care School had been placed there by other local authorities, across their boundaries.

Despite its official "good" rating, we have been informed about various critical comments and concerns made locally about Care School from service professionals, residents and councillors, and even former staff. We learnt of these from a variety of sources, and, taken together, they illuminate what we consider to be shockingly poor care practice, relating to the personal safety and well-being health, and education of the young people placed there. However, it also seems to us that little of this made has made it all or in any timely way through to Ofsted.

These comments (some of which were made to us anonymously) have made reference to; physically dangerous and persistently criminal behaviour on and off-site; violence; persistent anti-social behaviour in the local area; regular missing from home and/or education, sometimes at serious risk to personal safety; : young people being victims of sexually exploitative behaviour or perpetrating it care staff

unqualified to provide the intensity of care and control needed; failure by care home management to appreciate the stress levels of staff.

A number of even more serious allegations have been made to us, which we have now forwarded to the Lancashire Safeguarding Children Board.

We have also been told that Care School has proven over time to be a significant drain on local public resources, in particular to the police (including use of police helicopters) and to health services (CAMHS in particular). For example, it accounted for the majority of local police time in one accounting period.

As far as we have ascertained, Care School has never been referred to the local Children's Safeguarding Board and there has never been any integrated local effort to follow up on concerns that have been raised. Lancashire Constabulary had for some months been engaged in dialogue with Care School management and latterly with Ofsted, but had acted alone and, as far as the task group can establish, did not consult with other local agencies, including social care and health services. Since it is not a facility where the Council has placed its own LAC, the Children and Young People's Directorate of the latter has not developed a relationship with Care School. And neither does the County Council have any inspection and monitoring jurisdiction over the home: that authority lies with Ofsted, whose most recently rated was "good".

We do not know the precise reasons for its closure, although we understand it may be to do with financial issues.

Prior to the closure of Care School, the local parish council had been concerned for some time about the visible level and regularity of police resources being used, and the impact that the off-site activities were having on the local community. This then led to concerns about the quality of care being provided to the young people and their personal safety and well-being. The parish council explained to us how they had experienced the situation. (Whether or not this perspective is an accurate account of what happened, it is interesting we think when considering how policies and services might better incorporate views from the public).

- *Through the parish council, the local community tried hard to pursue its concerns with constraint and understanding, and not creating just another "newspaper story" that portrays young people in care in a negative way. They also tried repeatedly to develop a constructive dialogue with the management of Care School, but to no success. While the Care School management had pledged to be involved in the local community life, they consistently failed to do so. Care School was a "stranger in their midst". This contrasts with another private children's care home of which some council members were aware, which caters for a similar profile of young person.*
- *The parish council did seek to make local public services aware to their concerns, but was consistently (in their words) "brushed off". According to them:*

- *The council alerted the police to their concerns, but until very recently were "stonewalled" by them and told instead that this matter is being "dealt with internally". The attitude they experienced in informing the Lancashire County Council about their concerns is that "this is not our problem" as it does not place children there.*
- *The council did not understand the function of the local children's safeguarding board. Its perspective is that it is not a body accessible to them. Nor is it aware of the direct pathway for referrals of safeguarding concerns to the County Council's Assessment and Referral Team*
- *The council wrote to Ofsted in early June (on advice from the county council), expressing the seriousness of their concerns about the activities in the local area by residents of Care School and the safety and welfare of the youngsters themselves. Other than sending an acknowledgement of receipt, Ofsted had not, by late July responded.*

The council said that in the end NIMBYism does prevail because the responsible approach that they pursued for so long had got them, and the young people in care, nowhere.

The council believe that there should be requirements in each case: for care home providers to develop a responsible degree of communication and integration with the local community; an accessible means for responsible citizens to submit their concerns (Ofsted's role as the regulator to be given a higher public prominence and the same for the local safeguarding partners.); better lines of accountability for all those involved in the care of vulnerable young people.

The case above is not the only "scary story" of its kind and, as readers progress through this scrutiny report, they will encounter other examples. Furthermore, task group members, having considered a range of evidence, are concerned that there may be significantly more examples that, for want of relevant information, we don't know about... but should.

Landscape in Lancashire

Providers: The task group has learnt that there are approximately 75 care homes and operating independently of local authority control in the Lancashire County Council area boundary (early 2011 figure). We have not been able to get the data for foster agencies.

Placement costs in the independent sector vary according to care setting and the complexity of additional needs in each case. As a ball park figure for the purposes of this review, an authority may pay £100 000 or more to place a child with challenging behaviour and complex needs for a year. They may pay around £40 000 per year for a foster agency placement

As mentioned earlier, the regulator and inspector of the private care sector is Ofsted, which has responsibility for issuing and revoking licences for care companies to operate and for monitoring their standards. Recent data shows that of the overall 75 private/charitable care homes in Lancashire, 12 were rated by Ofsted as outstanding, 41 as good, 20 as satisfactory and 2 as inadequate. Over 80% of the homes fall into the middle two categories of rating, making differentiation between them difficult. Some homes specialise in a specific type of care, with well over half specialising in care for children with emotional or behaviour difficulties.

We have not yet been able to get the statistics for foster agencies.

Cross boundary LAC: incoming. According to the latest figures, there are approximately 614 cross boundary LAC resident in Lancashire in these facilities (bearing in mind the major concerns about reliability outlined in the background above)

It is not possible at this stage to break that figure down further to give, for example, the numbers in care homes and fostering placements, although nationally the figure is 1:3. Neither have we been able to get a breakdown to show where these young people are resident or where they are coming from.

For each of the 614 little is known about them from the notification process other than their name, residential address and contact details of their Corporate Parent. Statutorily, it is the responsibility of the Corporate Parent to notify the host authority prior to and at the end of the placement, and to provide additional notifications to other agencies in the locality, such as health, education and public protection services about the specific needs of and risks to the child. The anecdotal evidence that we gathered from those agencies suggests that frequently this does not happen and, for some service providers, rarely. Local agencies say that all too often, the first they learn about a cross boundary LAC is in a crisis situation. And that agency may or may not then forward this new information on to the relevant part of the county council as the area register holder, so that it can be inputted on the information management system.

County Council use of private care sector: (1) in-county. Lancashire County Council itself makes use of both the care homes and fostering agencies that operate within the independent sector in the area. Of the 1300 children looked after by this authority, around 60 are placed within the county boundary in private care homes and (figures for foster placements through an independent agency are not yet known) (*the term private fostering relates to personalised arrangements using extended family or friends and are relatively few in number. For this reason, a fostering agency run as a commercial enterprise is known as an independent fosterer, the same for a fostering agency run as a charity*).

(2) Out-of-area placements. The county council also makes a number of cross boundary placements itself: Of the total above, approx 309 are placed out of area.

The Children and Young People's Directorate and the Corporate Parenting Board say they are confident that this figure is accurate and that the children's social services of all receiving authorities have been duly notified of these placements. These placements provide a good standard of service in a cost-effective way. In each care, there are exceptional reasons why the particular out-of-area placement is in the best interests of the child.

In making placements into the independent sector, the county council's Commissioning Team have developed a Preferred Provider List (PPL). Those that wish to be included on it must be able to demonstrate: a willingness to work with this authority; high standards of care (rated as "good" or "outstanding" by Ofsted) and a child centred ethos; and represent value for money. Lancashire children's services, and indeed this task group, have no doubt that many private and charitable providers offer high standards of care in a challenging environment and are exemplars of good practice. Examples of this include the private provider and charitable fostering service that we visited and sought views from. There are approximately 40 independent care homes in Lancashire that are on the PPL (some are in neighbouring authority areas, such as Blackburn and Blackpool), which leaves 35 that are not (figures for foster agencies not yet available). It is of course entirely possible that some providers are not on the PPL but nevertheless provide a good standard of care.

As a paying customer of those on the Preferred List, the county council is able to exert a degree of influence on the standard and value-for-money of care provided. It is also in a position to carry out informal inspections of its own, which it does through feedback from the youngsters themselves, social workers and through the negotiations made by the Council's Commissioning Team. The Council is also developing its own new commissioning strategy to improve the care that our LAC receive and to make it more cost effective. (It is also worth noting here that the Council aims to reduce the number of young people in its care. A proportion of those in care are under a voluntary care order because families can no longer cope. Council policy into the future is that more resource will be focused to work with families earlier and supporting them to retain parental duties.

However, it is not those beacons of sound practice, already on the Preferred List of the county council that especially concerns the task group. It is mainly the lower standard providers, or those with whom the county council has no relationship and over whom it has no jurisdiction nor leverage, where we are troubled. The County Council may not have Corporate Parental responsibility for any of the young people in these facilities, but it does have safeguarding and possibly educational duties and commitments towards them. And other local partners of the County Council, such as health, police and youth justice services, also have statutory duties, whether by virtue of their residence in the county and their "vulnerable" status as, or also depending on the individual circumstance and need.

It is important to understand that this lack of leverage over the private sector is not a failing of the county council, or indeed others such as the Safeguarding Board or police, since there is no statutory requirement to develop a relationship of any kind. Furthermore, if none of Lancashire's LAC are placed with them, neither do any of the independent providers have any requirements to communicate with the County Council. The only relationship with officialdom that an independent provider is required to have (with the exception of planning permissions in certain cases – more of which later in this report) is with Ofsted, the regulator and inspector.

That said, it has been somewhat disappointing to the task group that there has not hitherto been more of an interest taken in the scale and nature of the private care sector in Lancashire. Since LAC are for many reasons an "especially vulnerable group", it would be perhaps be reasonable to assume that the local safeguarding community, for example, would have been motivated for their own purposes to develop good and up to date knowledge of the local private care scene. This has not hitherto been the case. When the Scrutiny Committee began its inquiries, there was no-one in the local area who could provide the information above. Indeed, what is known now in Lancashire about the private care sector has been gathered by this task group. That said, we are encouraged that local attitudes are changing: the Lancashire Safeguarding Children Board, for example, has submitted a request to Ofsted that the information available to local authorities through their information portal be made available to Board members to inform their work.

Lancashire County Council

In its Corporate Strategy 2010-2013 Lancashire County Council recognises that "some people do not get an equal chance in life" and states that it intends to make sure that everyone in Lancashire (this includes all young people resident in the area) has the opportunity to achieve their potential, no matter where they live or what their background, individual characteristics or personal circumstances might be.

Safeguarding Duties: The council fulfils a statutory requirement to make arrangements to safeguard and promote the welfare of children through County Council's Children and Young People's Directorate. The central Safeguarding Unit works in coordination with the nine locality children's social services teams. In addition, for the past year there has been a central Assessment and Referral Team operating within the County Council's customer services call centre, (the Care Connect Enterprise). This serves to standardise the criteria under which a decision by children's social care services is taken to carry out a statutory assessment of the child's situation and needs. It also aims to facilitate a more effective contribution to the pre-assessment process by other service providers, such as police, health and education.

Education duties: As a local education authority, the council also has general responsibilities for enabling the education of all children in its area "(as far as their

powers enable them)" and to promote high standards and fulfilment of potential. It also retains special duties towards all young people it looks after wherever they are placed, to safeguard and promote their welfare, which includes a duty to promote their educational achievement. As a group, LAC are nine times more likely to have a statement of Special Educational Needs (SEN) than the general pupil population. However, responsibilities around SEN assessment and delivery for LAC, and questions of whether the parent or receiving authority pays, are quite confusing: in some cases responsibility can remain with the placing authority but in others, especially for new referrals, with the host LEA. But generally and according to the Department for Education (DfE) the position is that, where it becomes necessary to conduct an assessment of the SEN of a cross boundary child, the local authority in which they are "ordinarily" resident will assume responsibility for undertaking the assessment and maintaining it. For cross boundary LAC, that will be the host authority. The main exception relates to the "52 week" residential special schools that operate in the independent care sector. For young people placed in the latter, full responsibilities around SEN provision will always remain with the placing authority, unless a written agreement is made with the host authority.

Multi-Agency Duties: As the local Children's Services Authority, Lancashire County Council also works in partnership with other local children's services providers to provide an integrated system of commitment and support to all young people in the area. It does this chiefly through the Lancashire Children's Trust (CT) and the Lancashire Safeguarding Children's Board (LSCB) and is the lead agency in both cases. The Children's Trust has the primary responsibility for promoting children's welfare generally and for ensuring that vulnerable children and children "in need" in particular are receiving support to improve their outcomes and live safe, fulfilled lives. Looked After Children are named specifically as a target group. The Safeguarding Board is a statutory body that is required to help ensure that all children and young people resident in Lancashire are kept safe and that all agencies do what they can to promote their welfare.

Safeguarding Findings: Maintaining a register: The statutory duty to maintain a register that includes cross boundary LAC placed in Lancashire is carried out by the nine locality social care teams under the guidance of the Safeguarding Unit. All localities use the council's common information management system. Notifications of placements and movements of LAC are added, removed or amended on the database, as necessary.

Officers acknowledge that under current arrangements, cross boundary LAC in Lancashire, as a discrete group, are especially vulnerable, difficult to keep track of, and at risk of drift within the local and national support system. They also anticipate that this is the case elsewhere in the country and, indeed, the task group's own discussions with Kent, Stockport and Blackpool support that. They are most concerned about the unreliability of the data on the register (which at the moment

stands at 614) and the impact this has on the county council's capacity to fulfil its safeguarding duties.

This continuing unreliability of the register is down to a number of factors:

1. low confidence in the functionality of the notification system
2. multifarious entry points into which notifications are received into the county council and limited awareness levels of staff across the authority as to how to handle them.
3. questions about the structural limits of the current information management system to ensure that an effective register can be maintained and some concerns about the quality of data inputting

The Safeguarding Unit has worked hard in recent months to address these problems, including: carrying out intensive data cleansing and audit trail exercises working with other authorities; upgrading two-way communications with other key agencies such as police and health services; and providing more staff training. The ultimate aim with this work is to establish a single point of contact within the county council for information pertaining to this particularly vulnerable group and to establish a more robust system for recording, managing and sharing the information contained within the register, including with other agencies, such as health trusts. The Safeguarding Unit say they are determined to improve the accuracy and value of the register. We applaud this progress and commitment and we would suggest that peer authorities might look to work in Lancashire in seeking to address issues with their own records and information management. We are aware that a number of authorities have begun to do this.

Knowledge of Independent Care Providers: When it comes to information on the independent care providers in Lancashire— as opposed to individual cross boundary placements - responsibility sits currently with the children's social care Commissioning Team. In addition to the information that has been gathered in-house and the development of a Preferred Provider List, the county council has begun to receive information from Ofsted through a portal service to all local authorities. At one level, this service provides anonymised data on the profile of the sector: up to date numbers and types of facilities; gradings etc. Another service provides a comprehensive list of all establishments, including addresses, company names and unique reference number by Ofsted. If the URN is known, it is possible to access the published inspection reports that Ofsted has produced on the facility.

The information provided by Ofsted through this service is, obviously, interesting and relevant to those support services who work with LAC, and especially safeguarding, health and youth justice services. However, the Safeguarding Unit – and indeed the Lancashire Safeguarding Children Board (LSCB) - has only become aware of this service since the task group began its inquiries.

Furthermore, there seem to be some data protection barriers to making sure that this information is shared with responsible local bodies, even though to do so would help them understand better what sort of care cross boundary LAC are receiving whilst resident in Lancashire, to plan accordingly for resource allocations and better provide pre-emptive services, rather than more costly ones for crisis situations. Ofsted have yet to respond to the request placed by the LSCB that the county council be permitted to share this information with LSCB members, although we understand that their position is that it would not be legal to do so.

The legal reasons for this position we were unable to ascertain when we spoke to Ofsted, but we believe it relates to how a "data controller" (eg Ofsted or a local authority) may handle the "personal data" that they are responsible for under the Data Protection Act (DPA). Ofsted's position is that the names and addresses of children's homes amount to personal data on the individuals living in those homes. However, there is a public appetite for this position to change, for sure amongst local service providers, and there are some who are uncertain as to whether Ofsted's position on the legalities is in any case valid. For example, Ann Coffey MP (Stockport), who has helped the task group with its inquiries, has pursued this point with the Information Commissioner's Office (ICO). The ICO advised that the name and address of a group, organisation or institution in exclusion from other information is not personal data as it does not identify a particular individual. To share names and addresses of children's homes, for example with the police in a police authority area would not incur any specific issues with the DPA.

In addition, there are some who believe that, DPA issues aside, there is still a case for this Ofsted information to be shared with, for example, members of the LSCB under the same exemption that allows them to share it with local authorities. Perhaps now is the time for a legislative change under the Care Standards Act 2000 to allow for routine disclosure of children's homes names and addresses to bodies such as local safeguarding boards. Certainly that is the view of this task group.

Education Findings: It is well understood that educational attainment of young people in care is significantly poorer than the general school-age population. Not surprisingly, it is also the case that young people in care are significantly more likely to present a range of problems regarding their learning. These often relate to psychological issues as a result of their life and/or care experiences. Around 28% of children in care nationally have statements of SEN, in comparison with around 2% of the overall school population. Generally, around 60% have some form of SEN. The figures for Lancashire's LAC are comparable with this.

To address this, all schools that have LAC on their roll are required by law to have a teacher designated on site to support each LAC and to monitor their attendance and progress. This teacher should also work to ensure that there are good links between a child's carer and their social worker.

Virtual School: In addition, the County Council provides a "Virtual School for Children in Care", which has a responsibility to monitor the educational progress of the approx. 1300 children looked after by the County Council, irrespective of where they have been placed. This service does not - currently at least - extend to cross boundary LAC resident in Lancashire; it remains the responsibility of the Virtual School of the placing authority to monitor their child's progress. However, we understand that in 2010 the DfE did publish a paper suggesting that a Virtual Head takes responsibility for all LAC in their LEA, irrespective of parent authority.

Lancashire's Virtual School also provides services other than tracking and monitoring. For example; training for designated teachers and for carers and social workers; facilitating speedy access for LAC onto One-to-One Tuition and Aim Higher programmes; for each child who is under-performing a grant of up to £500 is available; and a bursary scheme for those LAC who go on to attend university.

Special Educational Needs: When it comes to SEN, it takes around 6 months for a child to be assessed by an Educational Psychologist for a statement. So if a child is moving around, as is often the case for many cross boundary LAC, that assessment process will be delayed further. On top of that, it would we believe be naïve to expect that cross boundary LAC will receive the same levels of support for their SEN as Lancashire's own LAC. A social worker from a parent authority, even if they are a strong advocate for the specific needs of the child, would struggle to compete for County Council resources against Lancashire's own social workers in pressing the case for their child. First of all and quite rightly, the County Council has specific and stated priorities in what it seeks to achieve for the young people in its own corporate care, and secondly, social care and SEN/Education Inclusion teams are colleagues in the same Directorate of the same organisation. Anecdotal evidence supplied to the task group suggests that equitability of access between Lancashire's LAC and cross boundary LAC to the range of educational services to which they are entitled is a challenge (although we would add the caveat here that this comment is not based on factual analysis).

If we consider the two paragraphs above in the context of the widely held view that effective Corporate Parenting is difficult to sustain when there is distance between the corporate parent and the child, then it is not difficult to conceive that there are scenarios where a LAC may be effectively penalised in their education for being "out-of-area".

Reliability of Statistics: Issues around statistics and their reliability are again of concern here. Schools census data from January 2010 indicated that there were 209 cross boundary LAC attending Lancashire's schools (this figure relates only to mainstream schools and not those care homes that provide education on-site). However, this data will from now not be possible to collect because the DfE (Department for Education) has removed the requirements for schools to indicate the details of children who are in care from their census returns.

Neither is it possible to establish this figure with any degree of confidence from the county council's information management system. While there is an explicit statutory requirement for a placing authority to notify directly the virtual head teacher and pupil access /admission service of the host authority to allow sufficient time for a suitable school place to be found and for records and information to be sent, the experience in Lancashire is that this just does not happen. We suspect that this is also the case for other authorities.

What does happen is that Lancashire's Virtual Head accesses data from the management information system that has come from the original notifications. And this data, as we now know, is unreliable for a number of reasons. On top of this, in the vast majority of cases, this information contains no reference to educational arrangements for the child, any indications of likely requirements for SEN assessment, or the Unique Pupil Number (UPN, which would allow the Virtual School to track attendance and attainment). This means that our Virtual Head just doesn't know how many cross boundary LAC are attending mainstream Lancashire Schools, how many in are in specialist schools, or even how many are not in school at all or regularly missing from education.

Our concerns about reliability of education related data also links back to safeguarding duties. Young people who are not being educated quickly become at risk of failing academically and socially. In such circumstances, they are viewed officially as being at higher risk of physical, emotional and psychological harm. Children "missing from education" are judged, therefore, to be a priority for those public agencies that have safeguarding duties to all young people resident in their area. So it is in the interests of the county council (and of the safeguarding board) to know as accurately as possible which young people are at risk and to take appropriate actions to avoid escalation of problems. A study by Ofsted in 2010, "Children Missing From Education", identified LAC as being one of the groups most at risk, as well as those young people who move across local authority boundaries. Cross boundary LAC are both of these and this current state of affairs concerns us, not just with regards those who are on the roll of LEA schools, but also those in residential 52 week schools and whether they are attending their education. The Ofsted study also concluded that national systems for exchanging information about children moving between areas are not sufficiently effective and that local authorities face huge challenges in knowing about all the children in their area so as to be able to fulfil their safeguarding duties fully and efficiently.

If the Government were to follow through on its suggestions of 2010 that a Virtual Head track progress for all LAC in an LEA irrespective of parent authority – and there are many reasons why this is a good suggestion - this would under current circumstances simply not be possible to deliver. To do so, Lancashire's Virtual Head believes would require a national standardised system of notifications to ensure that placing authorities share all relevant information regarding education with the host authority.

Leaving Care

Each local authority is required to develop a Leaving Care Strategy that provides a support structure around a young person as they move towards independent living. The evidence base behind this is that young people leaving the care system face additional challenges in making the transition to independent adulthood and are as a consequence more likely to require long term input from the state, for example in the form of welfare benefits or the criminal justice system. To this end the County Council, together with its local partners, is developing a Leaving Care "offer". However, it is unclear to us if and how a cross boundary LAC, who seeks to remain resident in Lancashire when they reach age 18 can access what might be available locally. For example, the housing provision and support offered by the young person's corporate parent may be limited to the "home" authority, away from established friends and other personal support networks. Access to advocacy services (see below) is also confusing. It is especially difficult when dedicated social worker involvement ceases on the young person's 18th birthday. One young person in East Lancashire, whose home authority is in the south of England, has encountered these challenges.

It would, we believe, be much more likely that a young person would make effective use of Leaving care services if they could be easily and freely accessed in the area in which they choose to continue to reside. At the very least, more clarity is needed.

Advocacy Services

Lancashire Children's Rights Service

Lancashire County Council commissions the Children's Society to provide an independent advocacy service for all children and young people for whom the County Council is the Corporate Parent, including for those placed outside the county boundary. Access to the service also forms part of the County Council's Leaving Care "offer".

The Lancashire Children's Rights service (LCRS) offers young people the chance to raise any issues or concerns they may have about their care or about their experiences. This can include complaints about their carers, social workers, or indeed about any of the statutory services which they encounter, health services, for example. LCRS can then offer support to the young person to get things changed. It also offers a number of other services, such as a volunteer visitor scheme to help develop stability and trust for a young person; support to help young people get 6-month work placements.

This service is not funded to extend to cross- boundary LAC resident in Lancashire, even though the latter do sometimes contact it. When that happens, LCRS staff are

required to direct the young person to the equivalent service in their parent authority, if there is one.

The (now ex-) LCRS programme manager believes that it would be in a young person's best interests if they were free to access advocacy services in the area in which they are resident. But this could only really happen if arrangements were devised to ensure that public costs could be spread fairly amongst local authorities and according to the general direction and flow of cross boundary cases.

LCRS are also involved in a support initiative called StreetSafe, where they work closely with the police in targeting young people who are at risk of sexual exploitation or missing from home. A substantial portion of those young people scooped up by the StreetSafe teams are cross boundary LAC, often caught up in a pattern of persistent missing from home or vulnerability to sexual exploitation. However, local efforts to support these young people are regularly frustrated and inhibited by the difficulty of ensuring satisfactory levels of engagement, support and information from the social workers of the parent authorities. An example is of a cross boundary LAC placed in a private care home in East Lancashire, who was judged to be at risk of sexual exploitation. StreetSafe worked hard with the home to try and manage this risk, but effective progress was seriously hampered by a failure of the social worker and parent authority services to engage constructively with their efforts: "it was like trying to help the child, but with one hand tied behind your back".

On the issue of multi-agency working generally in relation to safeguarding work and cross boundary LAC, the programme manager said that, whilst there is some good work developing, there is still insufficient communication and coordination locally. She believed there may be some unwitting but unfortunate subtle thought processes going on, such as *"they are not LAC, so they are someone else's responsibility"* or *"we've put them over in Lancashire, so now we can stop worrying about them and focus on the LAC living in our own authority area for whom it is more convenient to care and plan for"*.

The LCRS view of the private care sector, based on what young people tell them, is that there are significant variabilities in the standard of care in the private sector, where some are young people in them are not being looked after properly.

Lancashire Safeguarding Children Board (LSCB)

The LSCB was established in 2006 and is comprised of public and social service providers which have statutory duties to "safeguard and promote the well-being of all children and young people" in Lancashire. These duties are held individually by each body, but safeguarding is also a duty shared jointly amongst these bodies by virtue of the existence of the LSCB. The LSCB operates and is chaired

independently of the county council (although, as the local Childrens Services Authority, the County Council is charged with providing its administrative function).

The Statutory Definition of Safeguarding and Promoting Welfare is:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children are growing up circumstances consistent with the provision of safe and effective care
- Undertaking that role so as to enable those children to have optimum life chances and enter adulthood successfully

The activity of safeguarding is understood as child protection services and other activities designed to make children safer at home, at school, in their communities or using public services.

It is well understood that the duty of safeguarding and promoting the well-being of children can only be fulfilled properly, satisfactorily and with reasonable efficiency as a collaborative effort at a local level. Furthermore, that collaborative effort must be visible, understood, accessible and respected by all those who work with children and young people in Lancashire.

The main point for us to make about the LSCB is the challenge we encountered in securing its engagement with our inquiries. Given the issues at hand and the role and function of the Board, this concerned us. We received no written evidence from the LSCB. An Executive Board representative did speak with us on the LSCB's behalf, although was unable to supply much detail regarding the LSCB and its interests in connection with cross boundary LAC.

We are disappointed that we were unable to gather more information from the LSCB. We are also surprised that cross boundary LAC, as a specific issue, has not been considered by the Board previously, even though elected members have been voicing their concerns for a number of years and, indeed, brought them to the Board's attention by Overview and Scrutiny in 2008 and a number of recommendations made then. And we are surprised again that the recent remedial works of the County Council's Safeguarding Unit was carried out without any early reference to the LSCB.

This suggests to us that there may be issues around resourcing, status and reputation of the LSCB and its capacity to fulfil safeguarding responsibilities towards those resident in care settings in Lancashire, but "looked after" by other authorities. We note the stated commitment of the Children's Minister Tim Loughton MP (with reference to the Westminster Hall debate 21 June 2011 on young runaways and child sexual exploitation) and the need for Government to support localities to carry out an effective role: "Local Safeguarding Boards have a key role to play in co-ordinating and ensuring the effectiveness of the work of their members". We also

note from Baroness Munro's recent report on a review of child protection, the importance she places on the role of local safeguarding children boards and how she stresses the need for effective multi-agency working. On the safeguarding issues that we are considering here, we would support these emphases, but we also believe that there is scope for more support and commitment from a national level with resource, and capacity-building of these local bodies, together with requirements for more effective accountability .

There are some encouraging signs to report, however. We congratulate the LSCB on its role in the development of the Lancashire Missing from Home Protocols (see section under Lancashire Constabulary for more detail). Also, we did go on to have further engagement with the Quality Assurance Group of the LSCB, where our task group Chair was asked to provide a briefing to the QAG on the issues of concern. The QAG then confirmed to us that this was now an important topic for the LSCB, which would be considered by a future meeting of the Executive Board. We have also been much encouraged to learn of the LSCB's efforts to secure release to it of Ofsted information on the independent care sector.

Health Issues: National Health Service

LAC often have a number of health needs and, much more frequently than average, have complex issues around emotional well-being and mental health (45% of LAC have a mental health disorder compared to 10% of the general child population). Local health service officials (from both commissioner and provider perspectives) told us that the health outcomes for cross boundary LAC are a concern to them and that they very much welcome this review and recommendations it might make.

In considering how health services are provided to cross boundary LAC, it is important to understand that the NHS has the same duty of care to all LAC in Lancashire regardless of their parent authority. The only requirement is that they are registered with a local GP. This contrasts with the distinction based on parental responsibility that the county council is required to make. NHS operatives are required to work within the framework of the latest legislation for LAC in which there are a range of duties. Another administrative challenge is that social care is managed centrally by the county council as the area children's services authority, but healthcare is managed by three different Primary Care Trusts (and even that is due to reorganise shortly).

Health officials told us that there isn't yet sufficient consistency and co-ordination of information sharing about LAC, and placements both within and outside of Lancashire's boundaries, for them to perform their duties effectively and efficiently. They say improvement is needed in relation to notifications and integrated and multi-agency care-planning. They would also welcome a centralised point in the area for co-ordination of information, as this would bring efficiency into the way in which this

cohort was identified and supported appropriately by all services. They pointed to arrangements in Blackburn-with-Darwen as a more effective working model, although that had neither the size nor complexity of the Lancashire area.

A fundamental principle of the NHS is that health care should be accessible and equitable to all. But the failure of the notifications and information sharing systems impacts negatively on identification of and planning for health care needs and provision. Services providers in all too frequently only become aware of these LAC and their health needs when a request for a health assessment comes to them after placement or when a young person presents in acute care settings, usually in times of health crisis.

NHS recognised some of the issues raised in the report produced by Ofsted 2010 - Access to Mental Health Services for LAC aged 16 plus - as applicable in Lancashire: that access to CAMHS (Child and Adolescent Mental Health Service) is generally worse when young people are living in private children's homes placed outside their local authority; that they can wait long periods before receiving service, placed at the bottom of a waiting list after placement even if they had been on a waiting list before their placement move; that some CAMHS teams had difficulties accepting referrals for cross boundary LAC patients because of funding issues; and that young people in private care placements did not appear to receive the same level of CAMHS support as those in local authority homes. They told us that while cross boundary LAC are entitled to local CAMHS, in practice, the service they get can be compromised, often because the young person simply has not been known to health services earlier so that therapeutic interventions can be devised and costed out for at an earlier stage. Repeated (and wasteful) assessments and drawn out negotiations between various health trusts served to delay delivery of successful treatments, while the young person's symptoms were increasingly vulnerable to decline. 16-18 year olds placed into Lancashire are a very vulnerable group, often with high need for mental health services, but often left to drift because of the challenges around transitional arrangements for CAMHS services.

To promote improved emotional wellbeing for LAC, Lancashire County Council has invested in specialist Psychological LAC Teams to support carers and young people. This service has been very positively evaluated and work is underway to develop it, but it is unclear to the task group to what extent it is available to cross boundary LAC.

There are concerns within the NHS in Lancashire that some social workers may be attracted to a care provider based on their marketing material, assessing that it offers an appropriate specialist placement for their child. They then commission the care provision at a price that reflects the specialist nature of the care. But in practice that provider does not deliver what is being advertised. This is the so-called "glossy brochure" syndrome. In some cases, the child's needs are left unmet or they are referred on to the local area public service providers, such as health services and

including CAMHS. This concerns health service providers and commissioners as they are unable to plan for and allocate services accordingly. Service users lose out in their health outcomes especially the cross boundary LAC themselves. It also serves to inflate the very significant issue of "double funding".

The impracticalities of carrying out Corporate Parental duties from a distance remains a significant concern for health service providers, especially for the cross boundary LAC that have complex and additional needs. Health practitioners are often frustrated in their efforts because of unsatisfactory engagement by social workers from other areas. They would like to see further exploration into the possibilities of transfer or sharing of resources and/or responsibilities to follow the child, and for greater involvement by health in care planning and placements. There was some useful work going on already looking into this.

On relations with Ofsted, we were told that NHS retained some concerns about the variabilities in standards in care in the private sector in Lancashire and in how effectively the providers were inspected and monitored. At a locality level, NHS previously had good links with Ofsted's predecessor, Commission for Social Care Inspectorate (CSCI). Currently, however, the links are more disparate. For example, NHS no longer has up-to-date knowledge about the profile of the sector, nor where there may be any areas of concern or problem hotspots. This had been valuable information for health services in order to target resources where they are most needed. Health officers welcomed the possibility that information on private care providers may begin to be shared routinely with the safeguarding board, and the possibility that Ofsted may begin to consult them more when gathering information for inspections.

Lancashire Constabulary

The police have duties to detect crime and anti-social behaviour and to enforce the law. But they are also tasked to protect vulnerable people. Cross boundary LAC can fall into either – or both – of these categories.

When it comes to protecting vulnerable people, Lancashire Constabulary carries out a range of preventative activity. This includes targeting resources at those individuals and groups that are judged to be most vulnerable and developing effective prevention and response strategies. LAC are one such group. As a result of their previous experiences, they can be highly vulnerable, in particular to missing from home and/or education, sexual exploitation and getting drawn into crime and anti-social behaviour.

The capacity of the police to fulfil these duties effectively when it comes to cross boundary LAC concerns us. Under current requirements, a placing authority is not required to inform the local Constabulary about cross boundary placements. Nor are the police entitled to have access to the register of cross boundary LAC maintained

by children's social care (indeed, the police officers we spoke to were not even aware that such a thing existed). And neither – at this stage at least – do the police have comprehensive and up to date information about the private care sector in the Lancashire area (one police officer told us that sometimes, the first they have learned about the existence of a care home is when some form of crisis situation breaks out, for example a requirement to use the police helicopter).

Local problems around information sharing and coordinated activities are a part of the reason why the police have too limited a knowledge about cross boundary LAC. They say they accept the need for proportionality in relation to details given to them about individuals and avoiding any unnecessary criminalisation, but they also say they need to know more than they do about LAC who are vulnerable or indeed present a risk to others, and cross boundary LAC in particular. If they were better informed, they would be able to fulfil their role much more effectively, efficiently and in the best interests of the young people. It would not be an example of acting against the interest of the young people, demonising them simply to reassure a suspicious local community – as some tended to view it.

Like other of our witnesses, the police expressed their concerns about variabilities in standards of care in the private sector. Some homes, for example, are regular "offenders" in drawing down on front-line police resources. Most often it is call-outs to incidences at the home and missing from home cases. There may be issues connected with appropriateness of the placements; skill levels of staff; behaviour management policies in place; inter-personal relationships with the home dynamic; poor care-planning by social workers; or just the state of mind of the child.

The Constabulary believe that with some parts of the private sector, more work needs to be done to strike a more careful balance between the police's role in law enforcement /protection of vulnerable people and the role of care providers (care staff and/or social workers), who are paid to promote responsible behaviour of their charges in a robust and confident way and to seek deal with issues that a parent would be expected to carry out without involving the police.

Some examples to illustrate this:

A home was providing care for 2 (unrelated) boys, who were persistently going missing from home and involved in crime. Out of concern for the boys' welfare and the drain the home was making on police resource, officers arranged a meeting with the respective Corporate Parents to inform them that the placement was not equipped to meet the boys' needs.

Children from a home in the Wyre area drunk in the street in the evening, engaging in drug-taking in the local area during the day (and during normal School hours); 2 of the residents breaking into a public building to engage in under-age sexual activity, with local police officers frustrated by the limits of their influence and the failure of the carers to exercise proper care and control.

A boy at a private care home in Rossendale was recorded missing from home 11 times over a short period. Despite this, his social worker from another authority had not visited him for over 3 months, even though the police officer involved had expressed her concerns in writing about the apparent neglect by the home staff and the boy's need for more support.

A "prolific offender" from another authority placed in another private care home in Rossendale. No local agencies had been notified of the boy's presence and did not become aware of his needs until the local situation had reached "havoc" for all, including the boy, which resulted in resource -intensive police and other activity

Missing from Home: Lancashire Constabulary, together with their public and third sector partners from the Safeguarding Board have developed a written set of Missing from Home Protocols. These Protocols are respected nationally as an example of best practice and the task group is encouraged by this example of partnership working that peers can learn from. The underlying aim of them is for agencies to work together to establish the causes of any child being reported as "Missing from Home" (MFH) and to develop effective solutions for building a more secure and settled environment for that child. The Constabulary and its safeguarding partners are certain that use of these protocols is better in the interests of each child and a significantly more cost-effective way of managing work in this area. The protocols are especially relevant in the context of LAC, as reported cases of "missing from home" are more likely to come from care homes. For example, over a 3 month period:

- *West Lancashire there were 140 mfh referrals, with 50% from care homes*
- *In the Bacup area alone, there were 80 reported cases of mfh from just 5 private care homes*
- *There are records of one youngster having been reported missing from home 40 times*

Each of the territorial divisions of the Constabulary has a missing from homes coordinator, whose role is to link with respective services, including children's homes to manage and reduce persistent mfh cases. In the Bacup area, officers worked to great effect with the 5 care homes above to find ways of reducing reported incidences.

However, overall the police have some concerns about the extent to which the protocols are in fact implemented on the ground and work is currently underway to analyse this and develop means to ensure that they become more of a "living document" and applied more universally. This work is expected to be completed imminently (Sept 2011). But there are also special challenges for dealing with cases of cross boundary LAC and Missing from Home, most usually this has to do with the limits of social worker engagement from the Responsible Authority.

Double Funding: The police recognised this issue as especially relevant to them. They were unable to give a figure for impact on police resources of incidences relating to private care provision (although they have begun a piece of work to carry out some analysis). But they could tell us that a very rough average of costs of dealing with a missing from home case is around £1000 plus the disruption that this "priority" police work makes to other police activities in a locality. If we match this to the estimated 425 mfh referrals of cross boundary LAC per month to the common assessment team in Care Connect, along the fact that an authority may pay £100 000 or more to place a child with challenging behaviours for one year, we can begin to see the scale of the resource impact this issue is having.

The relationship between Lancashire Constabulary and Ofsted is interesting here. The officer in charge of Protecting Vulnerable People said that to his knowledge Ofsted had never approached the Constabulary for information when carrying out their inspections. This was a gap because the police retained information of real value to Ofsted and important to the safeguarding and well being of LAC. Communication on enforcement issues was more common, although not always satisfactory:

One care home in East Lancs was subject to pursuit of an anti-social behaviour Closure Order by police for persistent anti-social aggravation caused from the home. Efforts to work with the home in developing effective behaviour management practices received no response. The police then appealed to Ofsted for support, but this did not lead to enforcement action, as Ofsted considered the home "well-run". When the home was informed of the police intention regarding a Closure Order, the home closed down only to open up again in another location a few miles away. Closure Orders apply only to locations and not to the staff, although the local police that a major problem in this case is the quality and skills of the staff to manage the needs of their charges.

Youth Justice Issues

Children in care are twice as likely to be subject to a final reprimand or warning or convicted of a crime as other children. This is not in their interests because of the impact and stigma it has for their future development and independence. It is also a very costly and drawn out process for the public purse to bear: and incurs an increased consequent risk of repeated entries into the adult criminal justice system. We can assume, therefore, that a young person who is being well cared for and according to their needs will, as far as possible and for their own sake, be kept away from the youth justice system. Of course, there may be circumstances where for good reasons this does not apply.

Evidence that we gathered from a range of witnesses indicates that there are some in the private care sector who are failing to provide sufficiently robust care and control in managing the behaviours of their charges. There are concerns that some

providers are being funded by a placing authority to provide an enhanced package of care for LAC with challenging behaviours and complex needs, but effectively "dumping" the problems on local public services, including youth justice services with the additional negative consequence this has for the child. This is the so called "double-funding" issue. One example:

A case in East Lancashire, where a 14 year old cross boundary LAC, resident in a small, local private children's home, was repeatedly coming before the courts. One youth magistrate sought more detailed background about the youth and learned that he was going out 5 or 6 nights a week until around 3am. When the carer at the home (one of two carers) was asked what they planned to do about this situation, the response was, "there is nothing we can do".

Youth Magistrates Panel: The task group sought the views and comments of Lancashire's Youth Magistrates Panel Chairmen, who wrote to us that many young people are charged with very minor offences (such as breaking a cup) whilst accommodated in care homes and then appear before the courts. It appeared to them that there is a "zero tolerance" approach taken by some care homes. The homes that these children are coming from tend to be the privately run ones. Furthermore, it is often the case that a young person appears before the without an accompanying "parent" or "responsible adult" because of the distances and impracticalities involved for social workers. This concern is corroborated by some of our own analysis of crimes associated with care homes in Lancashire – based on Ofsted and local police data: information from between April 2009 and Jan 2011 in Lancashire shows that two thirds of the detected crimes where the offender has resided at a care home address are for violent crimes, although only 4% of those are sub-categorised as serious violent or sexual offences.

The youth panel chairmen also commented that for cross boundary LAC who are moved into an area whilst subject to court orders, there seemed to be a delay in notifications from the youth offending service of the placing authority to that in the host authority, which made it difficult to ensure that there was no break in supervision: an effective slipping through the net, for a time at least.

Appropriate Adult in Attendance Service: Some of the points made by the youth panel chairmen, and indeed from Lancashire Constabulary, are reinforced in what we learned from a local charity that has been commissioned by Lancashire County Council's Youth Offending Team to provide an "Appropriate Adult in Attendance" (AA) Service to young people detained in police custody and where there is no other suitable adult available. The role of AA is to ensure the welfare of the child whilst in custody and to provide support to them. As part of this service, they collect information about the circumstances both of the child and of the arrest and on what the possible outcomes of the case might be. This amounts to a useful body of experience and information, both about individual cases, and LAC generally and care providers. The charity is Child Action North West CANW and their long-

standing youth justice service manager told us that she has concerns about the variabilities in the standard of care, control and behaviour management that young people receive in the private care sector, especially for the more troubled and challenging young people. CANW's resources are drained by the failure of some private care providers to fulfil the terms of their contracts with local authorities when a LAC has been placed with them.

A proportion of private care providers invest inadequately in staff qualifications and training, even though they may advertise themselves (and charge accordingly) as specialist providers. There are many instances where conflict management by staff escalates rather than help a tense situation; and too many homes are too ready to call the police out to a manageable conflict situation. *An example here is a home in central Lancashire that repeatedly called the police at week-ends to report the same youngster as "missing from home". It took intervention by CANW to ascertain the reason for this being that the child was trying to get back to his home area to see his mother.* These tend to be homes with weak management and staff ill-equipped to provide the care and control to support their charges' needs. This becomes especially problematic for cross boundary LAC because of the often limited engagement of social workers in their lives.

There are cross boundary LAC who do not even know who their social worker is or not had any meaningful contact with them for some time.

She has concerns about the volume of LAC who are taken into custody unnecessarily for what are minor offences. *A recent example is a girl who acquired a criminal record for spitting at a member of staff in her private care home. CANW believed that in this case, the situation could have been handled differently, with a more robust resolution delivered in-house by care home staff that would have produced a more satisfactory result and at significantly less cost.*

There are too many occasions where a member of staff from a home is not prepared to act as "Appropriate Adult" for children in their own care. In 2008, the Lancashire YOT accepted an argument put forward by CANW that the county council was paying twice: once to place the child, usually for an enhanced care package to manage emotional and behavioural difficulties; and again through the YOT to fund the added demand on CANW services. CANW then wrote to private and independent providers to inform them that AA duties were part of their overall care package, but as compensation offered free one-off training to providers in effective behaviour management. However, in doing this, CANW were aware that they did not have names and addresses of all private providers in the area they cover: their database is homemade, built up from their own information collection, but is incomplete and out of date.

The training offered was taken up by some and this move has had a major impact in reducing the demand placed on the CANW service.

CANW has worked with the police in developing a 10 point checklist to help both the police and care staff to resolve situations in the home, although neither body has a full picture of the private care sector in order to make sure that this checklist can be accessed by all.

Planning Law Issues

While the responsibility to deliver children's services in Lancashire sits with the upper tier of local authority, namely the county council, the authority to exercise the statutory planning function for a local area lies at the level of Lancashire's district councils. The scale and spread of private children's care homes in certain parts Lancashire has for a long time been the source of regular local frustration. Many complaints have been made to local councillors that care home developers have been allowed to establish premises for 6 residents or less without any regard to local planning priorities.

Local understanding hitherto around establishment of private care homes and the requirement to seek planning permission has mitigated against effective local control over their location and spread in Lancashire. We understand from discussions with other local authorities outside Lancashire that this has also been the case across the country. The issue for planning permission is whether a material change of use will occur for a building that has served as a dwelling house and is intended to become a residential care home for children (a dwelling house is defined as accommodating people living as a family or not more than six residents living together in a single household (including a household where care is provided for residents)). Our scrutiny colleagues in Fylde district investigated this precise issue in 2005 and learned that the interpretation taken by planning professionals was that all private care homes that catered for 6 or less LAC (irrespective of staff numbers) remained in planning terms as dwelling houses and did not require planning permission prior to establishment.

However, that understanding has begun to change. For example, the case of 73 The Crescent in Stockport earlier this year was a ruling of the Planning Inspectorate in favour of Stockport Council that planning permission was required for the address to serve as a children's home because there had been a material change of use. The report outlines an argument why a material change of use had occurred from dwelling house to a children's home, making reference to the "busyness" associated with such establishments that amounts effectively to "commercial" use. The quality of care provided at 73 The Crescent is not under dispute: the care provider is well respected and has a reputation for outstanding provision. The issue for Stockport Council is partly about managing the volume of care homes and the high proportion of cross boundary LAC, and their cumulative impact on the local area and its services. As a children's services authority, Stockport take very seriously their social responsibilities to permit the development of residential provision for young people in

state care and in areas that are normal residential areas for families. But they say that the local environmental context must also be considered and with reference to the overall local development plan. This is in the best interests of those young people being placed in Stockport, as well as young people already resident there. Stockport now has a policy that new Children's Homes must apply for planning permission before opening as they represent a significant change of use.

Stockport are also developing supplementary guidelines for private care providers in how to identify "appropriate locations" and we think that this is a model that district councils might helpfully adopt, ideally in consultation with the county council as the children's services authority. Actions could be taken with regard to any new proposals, but also retrospectively as an enforcement option for tackling poor care providers. However, all care must be taken to guard against unhelpful NIMBYISM and to protect the capacity of all statutory bodies to fulfil their social responsibilities towards children in care. The challenge in Lancashire will be for the various districts and the county council to coordinate such an approach, where the planning and safeguarding duties sit at different tiers. That said, both tiers have responsibilities around community safety issues where they share interests and objectives.

National Government

Policy: It is the policy of the current government to support and fund activities that improve outcomes for children in care and as they leave the care system. It is also government policy to itself strengthen the voice of children in care and to improve care leavers employability opportunities.

These policies are captured in the policy document "Care Matters Time for Change", which has been in place since 2008, but which remains the agenda by which all tiers of government and children's services providers organise their activities and deliver their services. It is updated in the new coalition government's business plan.

In April 2011, government introduced new National Minimum Standards (NMS) for Children's Homes. The intention in this is to help drive improvements in the care offered by the care home setting for LAC. We welcome this development, although it is interesting to us that one private care home operator we spoke to is disappointed with the new NMS, judging that they represent a weakening in the standards of what is expected.

New Duties: Government has also been clear for some time that there needs to be a reduction in out of area placements. It understands that there are many problems associated with them and that outcomes for the young people concerned can be poor, for example, access to health services esp. CAMHS and disruption to their education and learning. Minister for Children Tim Loughton has delivered some very clear messages about the need to reduce them. (Having said that, the Department

for Education when we spoke to them also acknowledged that there has been only limited research into the life outcomes of this cohort.)

For these reasons, In April 2011 government introduced an important development that aims precisely to support and influence placing authorities to reduce their cross-boundary placements and to ensure that out of area placements that do happen are always in the best interests of the child. The new Regulations from the from the Care Planning and Placement Review 2010 pulls together into one place all existing legislation relating to out of area LAC placements. In this is a duty that requires out of area placements to be made only by request to a senior nominated officer in the authority and that a justification must be presented in each case, demonstrating clearly the advantage to be gained, as well as written assurances that regular social worker visits will happen. Also in each request, it should be made clear what the health needs of the child are and how they will be secured (and paid for). The DfE has been working closely with the Dept. of Health on this.

Also from April 2011, is a new Sufficiency duty, where a local authority must be in a position to secure, where reasonably practicable, sufficient accommodation for LAC in their area.

Accountability: We are most encouraged by these developments and support them fully, although it is difficult at this stage to predict its impact on what actually happens on the ground. It is difficult, for example, for government to monitor how effectively local authorities are performing in this regard. Ofsted has the inspection role for local authorities on safeguarding and LAC, but their focus is now more heavily on outcomes and experiences of LAC, and Ofsted's capacity to monitor compliance activities is limited. This concerns us, especially when we consider the poor performance of local authorities in fulfilling notifications and register maintenance duties. In practice, this has led to a frustrating lack of knowledge for each locality in knowing who is in their area and how local services can meet the additional needs appropriately and efficiently.

Localism: The current political appetite and momentum for implementation of the "Localism" agenda is also relevant here. Government has made clear that it sees its role with regards placements of LAC as setting national standards, but devolving responsibility for delivering and ensuring that corporate parental duties are observed to local authorities. This expectation extends to robust self-assessment practices and monitoring of compliance performance. It is a policy choice of Government not to be prescriptive and not to interfere, and that it is better to leave localities more free to deliver their children's services how they believe is best for them, as long as they fulfil their statutory obligations. Government has drawn back from the position taken by its predecessors of recent decades. We see an example of this with the loss of the advisory service on children's social care, previously provided by regional offices, which disappeared when the regional office went, without a clear replacement.

The expectation of Government is that this approach will lead to a change of culture in local service delivery to one of greater local "ownership" and "responsibility. We welcome this. However, we also retain concerns here about the limits localism, especially when it comes to supporting the needs of LAC who get moved from one locality to another.

Best Practice Guidance: We also welcome and encourage the focus and commitment of the DfE to spread of best practice amongst all children's services authorities. An example of this which is especially relevant to cross boundary LAC, is encouraging London boroughs to group together to develop a standardised – and more resource efficient – service that offers sufficient care provision for all LAC where an in-boundary placement is best. This will take time to achieve, but once sorted will no doubt have significant positive impact, that will be a precedent for other sub-regions to follow. Government is also actively supporting a number of local authorities to develop a more strategic and business-like approach to its commissioning practices, so as to get better services for LAC and better value for money. And this is certainly happening with Lancashire County Council

Also encouraging is that the DfE are taking a greater interest in the quality of provision within the independent care sector. For example, they are at the moment gathering information to compile a picture of exactly what the independent care sector is like. What DfE then wants to try to do is to influence the sector in adopting models of care that Government favours.

Role and Performance of Ofsted

Ofsted is key with regards cross boundary LAC and has a range of duties and responsibilities. It carries these out through four strands of activity: Regulation and Enforcement of care providers; Inspection of care providers; inspection of local authorities; and a programme of thematic surveys.

There is much anecdotal evidence in Lancashire of continued low quality practices by providers, sometimes even for establishments rated by Ofsted as "good".

We do recognise that Ofsted are operating in a difficult environment, carrying out a job that is not easy for anyone, and with significant financial and other constraints. However their role is crucial and it is important to understand why these worrying discrepancies might exist.

Regulation: As the independent sector regulator, Ofsted retains the authority for certifying registration (or issuing a licence). Those independent sector care providers that we are interested in for the purposes of this review must register with Ofsted before they can begin to operate. A certificate is issued if a would-be operator can demonstrate that its care and facilities conform with National Minimum Standards (NMS).

As regulator, Ofsted also has enforcement powers to cancel registration and close down the operator if it fails to comply with legislative requirements. To support this, Ofsted has an investigatory arm called the Compliance Investigation and Enforcement (CIE) Team. The legal basis for Ofsted's investigatory and enforcement work for children's social care is the Care Standards Act 2000 and its associated regulations.

In practice, however, when it comes to cancelling registration of a provider whose care is inadequate, Ofsted's enforcement powers are constrained by the current legislative framework. The actual legal grounds on which enforcement can be upheld are very narrow. For example, while a capacity to reach the NMS is a requirement for registration, the NMS themselves do not have force of law. It is only the statutory Regulatory Requirements – which in our view are bureaucratic in nature and do not do enough to reflect quality of care – that have force of law.

Our interpretation of this is that once a provider has a licence to operate (or certificate of registration), it is possible that they continue to provide sub-standard care without getting shut down. Local communities and concerned individuals, and local services, such as health and safeguarding services, can be most concerned for the welfare of the young people and impact on the community, as well as escalating costs to local services of crisis management and intervention, with a legal framework that appears impotent to act. There are numerous case examples of this in Lancashire, including the cases we refer to elsewhere in our findings.

Ofsted have been given the supreme role in ensuring that the independent care sector fulfils the requirements that government sets in their provision for our most vulnerable young people. We are frustrated that they are not afforded a greater force of law to carry that out. It also seems to us that the independent sector has too much freedom.

Inspection of Care Providers: A new inspection framework was introduced in April 2011 for inspection of children's homes. A consultation on a new framework for the inspection of fostering services is ongoing. Children's homes are inspected twice each year: one is a full inspection, the other an interim. All inspections are now unannounced. For the full inspection, an inspector will be on site for 2 full days. For an interim inspection on-site presence is for up to one day. Fostering and adoption agencies and services are inspected at least once in three years.

There are currently approximately 2,000 children's homes, and 288 independent fostering agencies in England. Nationally, inspections of these providers are carried out by a resource of 160 Ofsted inspectors. All inspectors have a professional background in social care and have good experience for carrying out this particular type of work. Inspectors are allocated a portfolio of work within a region. In England, this is South, North and Midlands. For the North, there is a Manchester office, although inspectors themselves are only very loosely attached to their regional office. All inspectors are home-based workers. Inspection work that does

not involve being present on site – such as preparation, report writing, follow up actions etc - is done from home. Inspector resource is allocated on the basis of 4 full working days for a full inspection of a children's home and 2 for an interim inspection.

For the new inspection framework for children's homes, the changes and developments that have been introduced are based on a drive to strengthen the focus on outcomes for children and young people and the quality of care provided. There is now more time and focus on talking to people as part of the inspection process, in particular when following through on the one or two random case examples that each full inspection must include. This means that there is now also a better written record of the views and experiences of young people and their outcomes contained in each inspection report.

The inspection process of a care home might also raise issues about the performance of the placing authority. A recurring frustration for care home providers is insufficient detail in relevant background information supplied by a placing social worker about the needs and particular characteristics of a child, or even their previous relationships with support services such as police, health, and education support. This point was reiterated in our discussions with both independent providers in Lancashire that we spoke to separately.

Under the previous framework, the role and function of interim inspection had been rather vague. But we are encouraged that in the new regime, it is explicit that the interim inspection will focus exclusively on progress made on the recommendations and regulatory requirements.

When we spoke to Ofsted, they told us that it is too early yet to say what impact the new framework is having. However, they are confident that it represents a big shift in emphasis to a stronger, more outcomes oriented regime (some analysis of our own of this new framework on inspections of Lancashire homes indicates that it is indeed producing more meaningful reports).

But the challenge that remains for delivery of effective inspection, we believe, is public finance and resource, which currently is tight across public services. Inspectors will remain under pressure to complete their quota of inspections, which means that each inspection they make will be necessarily limited in depth. Our concerns here are grounded in the examples in Lancashire, where inspection reports sometimes appear to bear little resemblance to the actual nature and quality of the care and control being provided.

We are concerned that these resource constraints, together with the manner in which Ofsted structures its resourcing, may mitigate against delivery of an inspection service able to effectively challenge and erase poor care or malpractice by care providers. Each inspector would wish naturally to carry out their task efficiently. In practice, we suggest, a home rated as "good" or "outstanding" would require less

work overall by an inspector than those rated as "satisfactory" or "inadequate". The latter in particular would require additional follow-up and quite likely involve a degree of discomfiting confrontation with the provider. This might be especially so in what apparently is a very weak position for Ofsted when it came to enforcement. These concerns are endorsed by others we have spoken to, such as a care provider and the charity Barnardos. We have shared these concerns with Ofsted, who say that this would not be the case with their inspectors. The latter are experienced, well qualified and trained, and maintain consistently high ethical standards.

We are furthermore concerned that some providers themselves may be aware of a balance of power in their favour and might even operate on the basis that they can "get away with" a certain amount of low quality practice. What we mean here, for example, is hiring low-skilled, low paid staff to work with challenging young people or the provider or failing to invest sufficiently in staff training and continued professional development.

Double-funding and value-for-money: Ofsted's new regime rightly places more focus on charting the outcomes for young people from their care provision. In this context, we raised with them the issue of "double-funding", since we had acquired a body of anecdotal evidence to demonstrate that it is not uncommon practice for providers to take advantage of local public service providers to care for their charges whilst accepting high levels of payment from the Corporate Parent for an enhanced package of care. Not only did this cost the British taxpayer twice, but it depleted the public service resource for other children and families in a local area. There is, we believe, a valid "value-for-money" concern here for public purse holders. However, this is not a focus of Ofsted inspection. Under current arrangements, if a provider achieves a positive outcome for a young person by successfully gaining access and provision from local public services, this is a positive as far as the inspection process is concerned.

We also raised the possibility that Ofsted inspections or regulatory activity might include analysis of the financial arrangements for the provider, in particular perhaps of the ratio of profit to re-investment in service and staff skills and training. Our interest was based on substantial evidence from Lancashire of low skill levels of carers in Lancashire (care home and fosterers) and an unwillingness of some providers to invest in continued professional development, even though the company may have the resources to do so. However, although Ofsted do focus on staff training and development, they do not analyse issues of profit and reinvestment from a commercial perspective.

Any inspection will always have its limits and, as with others in the public sector, Ofsted inspectors are under workload pressure. They will rely, therefore, on people being prepared to be honest with them and on proactive use of Ofsted's "whistleblowing" facility to identify unacceptable malpractice or where care is not being delivered properly.

Accessibility and Information Gathering: In the context of the case examples we have heard about in Lancashire, we believe there is more work for Ofsted to do in making themselves more easily accessible, both to stakeholders and professionals working with LAC, and to the public. At present, Ofsted is not structured on a local basis and this makes it challenging for them to have an easily identified local public face. Indeed, we as councillors can confirm that Ofsted's role in children's care provision is not well understood by our peers and nor would we find it easy to establish a point of entry for filing our concerns.

We also retain concerns about whether the aspirations of the care provider inspection framework matches the delivery. Ofsted make reference in their published material of their intentions to consult with local communities and yet our evidence suggests that there is still very little evidence of this in practice, even though there are so many cases where such consultation might well have elicited very important evidence of neglect or poor care. We believe that local elected representatives would prove an efficient and fruitful source of community consultation. Perhaps if Ofsted's public profile were more robust, elected representatives would more readily be proactive in submitting relevant local information to them.

It is clear from our evidence gathering that local public service providers, such as Social Care, Health, Police or Safeguarding Boards are a wealthy source of relevant and interesting knowledge about particular care providers in Lancashire, and in particular in identifying care providers that are not sufficiently attentive to the safeguarding and welfare of their charges. However, Ofsted do not routinely consult with them to inform their inspections, although this is their intention in their new inspection framework, where they "acknowledge the importance of seeking a wide range of views to help inform our inspections" and that inspections will include "seeking the views of parents, social workers, independent professionals, advocates and local residents" about a children's home. The challenge here for Ofsted, perhaps, is how to ensure that they are tapping into this within their continued resource constraints.

We have carried out some analysis of our own on the nature of Ofsted reports for the care homes in Lancashire, the narrative as well as the ratings. For reasons of data ownership and limits on sharing, we are unable to include this in our report, although we can express some general views:

- Reports under the previous inspection framework lacked focus and observation, but reports under the new inspection framework are a step in the right direction as an effective means of judging care standards of a provider, demonstrating more engagement with staff and young people, and referring to common issues such as Missing from Home cases and staff training.
- However, there is still perhaps too much emphasis on procedures and practices rather than care itself. The "good" rating is perhaps too broad and satisfactory too vague. 80% of care homes in Lancashire are rated as good

or satisfactory, making it difficult to distinguish between them. And in the narrative of the report they seem to be explained only by means of unhelpful synonyms. Indeed, some of the report narratives we looked at read as if they are giving a different rating to that expressed by the inspector.

Inspecting Local Authorities: Ofsted is charged with monitoring the performance of children's services authorities on safeguarding and Looked After Children. The current regime started in June 2009 – Lancashire has not been "done" yet but is expecting one soon. Such inspections were of two weeks duration, with half the time focussed on LAC services and half on Safeguarding activity.

Again, Ofsted are keen to maintain their focus on the individual experiences of children and young people when forming their assessment of a local authority's performance. However, they do not go through compliance performance (such as cross boundary notifications and maintenance of a register) with a fine toothcomb. In driving up standards for LAC, Ofsted's choice is to drill down on commissioning policies and care-planning, rather than the preparedness of a local children's services area to receive such placements. Ofsted do not systematically monitor the effectiveness of local authorities around notifications of placements and maintaining a register.

There is scope, we believe, to further strengthen capacity and consistency here.

Further changes to the inspection resource and framework for inspecting local authorities will result from the recommendations of the recently published Munro Review. A public consultation began on 25 July this year for ideas and suggestions of what these changes should be.

Thematic surveys and information services: We have been grateful for the valuable information that relates to this inquiry and is contained in the recent Ofsted survey reports into "Children Missing from Education" and "Access to Mental Health Services for LAC aged 16 plus". However, cross-boundary LAC as a discrete group with their own set of issues have not yet been recognised specifically in Ofsted's survey work.

Ofsted retain a wealth of information on the independent care sector based on their inspection reports, feedback from their inspectors and other-related activity. Prior to the dissolution of the regional government offices (GONW in Lancashire's case), a secondary advisory service had been provided for children's care providers as another means to drive up standards across the children's care sector – including for the private care providers. This service is no longer available, and Ofsted have confirmed to us that they do not have a remit to deliver it by way of replacement. They do, however, seek to highlight publicly outstanding practices, so that providers can learn from each other.

There are some who view this as a gap in service. The private care home provider that we spoke to, for example, believed that the sector would benefit from more advice about good practice and that the removal of the advisory service is a loss. Even the new service providing information about outstanding practice does not give the interested reader enough of a clue about where and how to get more details and advice, which makes it difficult to put into practice. They also believed that there should be more openness about the inspection and regulation information that Ofsted generate, especially regarding poor practice in the sector, so as to drive standards up.

Parliamentary Scrutiny of Ofsted: The Education Select Committee produced a report and recommendations on the role and performance of Ofsted in March 2011. One of their conclusions was that the remit of Ofsted was too broad and one of their recommendations was that it be split into two Inspectorates, so as to give greater expertise and accountability to inspection of the children's social care sector. The Government sympathised with the reasoning of the Committee, although it did not accept the recommendation in full. Against the evidence that our task group has gathered and the development in our own understanding, this task group endorses the points and recommendation made by the Education Select Committee, set out below:

"20. We believe that having a single children's inspectorate has not worked well enough to merit its continuation. The expanded Ofsted has lost the elements of specialism associated with its predecessor bodies, at senior and operational levels. Ofsted has not adequately communicated its non-schools remit and, as such, is still seen by the public as an education-focussed organisation. Moreover, different inspection regimes are needed for the very different sectors Ofsted deals with. In order to focus greater attention on children's services and care, and to ensure inspection is respected by its customers, we recommend that the Government splits Ofsted into two inspectorates.

21. The Inspectorate for Education should hold responsibility for the inspection of education and skills, including nurseries, schools and colleges, adult education, secure estate education, and teacher training, and local authority commissioning of schools. The Inspectorate for Children's Care should focus entirely on children's services and care, including children's homes, adoption services, childminders and CAF/CASS. The two inspectorates should, for the sake of financial efficiency, consider how best to share administrative functions, and should of course work closely together—most particularly in conducting joint inspections of nurseries and children's centres—but should retain different elements of expertise and separate Chief Inspectors. The Chief Inspectors should demonstrate, in their annual reports, how the two inspectorates are working together. We are convinced that this division will not only raise the quality of inspection experience, but also the profile of what is currently Ofsted's non-education remit. With the recent formation of the Coalition Government, and a new direction of policy

concerning young people, as well as the impending retirement of the incumbent Chief Inspector, now is a good time to begin this move."

Agenda Item 6

Scrutiny Committee

Meeting to be held on 9 September 2011

Electoral Division affected: None

Task Group Update

(Appendices 'A', 'B', 'C' and 'D' refer)

Contact for further information:

Claire Evans 07917 836 698, Office of the Chief Executive,

claire.evans@lancashire.gov.uk

Executive Summary

This report has two purposes:

1. To update members on progress with existing Task and Finish Groups and impact of completed Task Group reports
2. To allow the Committee to consider any new proposals for Task Groups

There are three new task group request submissions:

- The Health Scrutiny Committee has submitted two new requests (Appendices 'B' and 'C') for task groups on Dementia Pathway and Fylde Coast Health Economy Strategy.
- A request for a task group on Arts Funding in Lancashire is also submitted (Appendix 'D') as resolved by the Scrutiny Committee at its last meeting on 10 June 2011.

Recommendation

That the Committee:

- i. Considers the requests from the Health Scrutiny Committee for two new task groups;
- ii. Approves the request for a task group on Arts Funding in Lancashire; and
- iii. Note the list of existing task groups and comment as appropriate.

Background and Advice

In order to ensure that the Scrutiny Committee is kept informed of progress on Task Groups, this item will appear on each agenda.

For information, a list of existing Task Groups is attached as Appendix 'A' to this report. It is not intended that members feed back on all existing task groups, but

members are invited to comment on any issues of particular significance. All new requests for task groups will be considered under this item. As a standing item, this should ensure that there is always a timely response to requests without the need to resort to the Urgent Business Procedure.

Two new requests for task groups have been received from the Health Scrutiny Committee. One is for the establishment of a task group to review the services and support available to dementia sufferers and their carers throughout the progression of the illness from diagnosis to end of life care; the other is for the establishment of a task group to review the services and support available to dementia sufferers and their carers throughout the progression of the illness from diagnosis to end of life care.

At its last meeting on 10 June 2011, the Scrutiny Committee resolved to request a task group on Arts Funding. The request is attached at Appendix 'D' for approval.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications.

Financial, Legal, Equality and Diversity, Human Rights, Crime and Disorder, Personnel, Property Asset Management, Procurement, Traffic Management, CIA (policies and strategies only):

N/A

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Appendix 'A'

Overview and Scrutiny – Task and Finish Groups

September 2011

Current

Committee/Task Group	Chair	Proposed Completion Date
Scrutiny Committee		
Member Development	CC John Shedwick	Standing Group
Cross Boundary Looked After Children – "Who Cares?"	Cllr Peter Steen	Summer 2011
Health Scrutiny Committee		
Steering Group	CC Maggie Skilling	Standing Group
Education Scrutiny Committee		

Completed

Committee/Task Group	Completed	Next Steps
Scrutiny Committee		
Young People – Employment and Employability	July 2010	Exec response delivered Jan 2011
Museums	Sept 2010	Exec Response due April 2011 (full)
Rail Improvement Schemes	Feb 2011	
Health Scrutiny Committee		
Safeguarding Adults	May 2010	Final Exec response presented March 2011
Education Scrutiny Committee		

Request for new task group

Date		Suggested by	Cllr Maggie Skilling
Title			
		Dementia Pathway	
Explain briefly what this task group is about			
		To review the services and support available to dementia sufferers and their carers throughout the progression of the illness from diagnosis to end of life care.	
Has anyone else done any work on this topic recently?			
		<p>In February 2009 the Adult Health & Social Care Committee undertook a task group to look at the then new national strategy for dementia and the position of Lancashire in relation to it.</p> <p>The task group concluded that whilst many of the services in Lancashire were already at a good standard and met the requirements of the national strategy, there were areas in which services could be further improved and co-ordinated and made more consistent across the county.</p>	
Why does there need to be a task group review of this?			
		The Health Committee has recently received reports on the proposed mental health inpatient service reconfigurations and dementia services were highlighted as an area of concern	
What are the key objectives of this task group?			
		<ul style="list-style-type: none"> • Review the services and support available throughout the dementia pathway • Consider the consistency of services and support across the county 	
If the task group is successful, what difference will scrutiny have made?			
		A comprehensive pathway of services and support provided by the public, community and private sectors will have been identified and reviewed. This in turn will raise awareness on the help available to the residents of Lancashire.	
What will be the measure of success?			
		The profile of the services and support will have been raised which hopefully will encourage people to seek help at the earliest stage of dementia and make patients and their families and carers aware of the support available to them	

How will this contribute to corporate priorities?	<ul style="list-style-type: none"> • Improving health and well-being • Supporting people in need
Who will the task group need to get evidence from?	PCTs Lancashire Care Trust Adult & Community Services Alzheimers Society Age UK Lancashire LINK Other County Councils Patient groups Private Sector nursing homes
What are the main issues that need to be covered?	<ul style="list-style-type: none"> • What services and support are available • How do people access them
Does this task group need to be done by a certain time? Please explain why	The conclusions and recommendations of the task group will influence the community based service provision currently under review as part of the mental health inpatient service reconfiguration proposals. The task group should therefore conclude by April/May 2012.
Committee	Health Scrutiny Committee

Request for new task group

Date		Suggested by	Cllr Maggie Skilling
Title			
		Fylde Coast Health Economy Strategy	
Explain briefly what this task group is about			
		<p>To review the consultation process and proposals of the Fylde Coast Health Economy Strategy</p> <p>As this strategy will also impact on Blackpool residents the Committee agreed it would be beneficial to form a joint task group with Blackpool scrutiny members.</p>	
Has anyone else done any work on this topic recently?			
		This is a new proposed strategy and therefore has not previously been the subject of scrutiny	
Why does there need to be a task group review of this?			
		<p>At the Health Committee in February members decided to refer the closure of Wesham Rehabilitation Unit to the Secretary of State for re-consideration.</p> <p>The response from Andrew Lansley indicated that the Committee should await the outcome of the consultation exercise due to be undertaken as the future of Wesham Hospital would be included within that process.</p>	
What are the key objectives of this task group?			
		<ul style="list-style-type: none"> • To determine the consultation process to be undertaken • To consider the proposed options put forward for consultation 	
If the task group is successful, what difference will scrutiny have made?			
		The task group will ensure that a comprehensive and fully inclusive consultation exercise is planned and delivered and that the feedback from stakeholders is taken into consideration when a preferred option is taken forward.	
What will be the measure of success?			
		A Fylde Coast Health Economy Strategy that has thoroughly been consulted upon and the views of the public have been acknowledged prior to implementation	

How will this contribute to corporate priorities?	<ul style="list-style-type: none"> Improving health and well-being
Who will the task group need to get evidence from?	PCTs Blackpool, Fylde & Wyre Hospital Trust Adult & Community Services Lancashire LINK Patient groups
What are the main issues that need to be covered?	<ul style="list-style-type: none"> Proposal options Consultation process Stakeholder feedback
Does this task group need to be done by a certain time? Please explain why	The task group needs to meet sometime mid to late October to enable their recommendations to be considered before the strategy goes out to full public consultation.
Committee	Health Scrutiny Committee

Request for new task group

Date	31 August 2011	Suggested by	Scrutiny Committee 10 June 2011
Title		Arts Funding in Lancashire	
Explain briefly what this task group is about	Following the announcement of the Arts Council England funding for arts organisations through National Portfolio Funding for the period 2012-15, the Scrutiny Committee received a report as well as presentations from a number of organisations at its meeting in June 2011. The Committee agreed that a Task Group would be the best route to explore the role of the County Council in the funding of arts organisations in Lancashire and how best the county and district councils could work with established and emerging arts organisations and Arts Council England to ensure a wide and sustainable range of arts organisations operating within the county.		
Has anyone else done any work on this topic recently?	No		
Why does there need to be a task group review of this?	The funding and survival of a wide spread of arts organisations is a part of the cultural life of the county and the issues involve a number of organisations that could not adequately be explored in a single meeting of the Scrutiny Committee.		
What are the key objectives of this task group?	To influence the approach that the County Council's Arts Development Team should take to working with arts organisations over the next 3 years and to review how LCC should target the financial support that it makes available to arts organisations.		
If the task group is successful, what difference will scrutiny have made?	The Arts Development Team and LCC arts funding will be more targeted to encourage the development and sustainability of arts organisations based on the evidence produced by the task group and the deliberations of Scrutiny Committee.		

What will be the measure of success?	Ideally, an increased level of Arts Council England funding for Lancashire-based arts organisations both in National Portfolio Funding (from 2015-18) and in annual project funding.
How will this contribute to corporate priorities?	
Who will the task group need to get evidence from?	
What are the main issues that need to be covered?	
Does this task group need to be done by a certain time? Please explain why	
Committee	

Scrutiny Committee

Meeting to be held on 9 September 2011

Electoral Division affected: None

Recent and Forthcoming Decisions

Contact for further information:

Claire Evans 07917 836 698 Office of the Chief Executive,
claire.evans@lancashire.gov.uk

Executive Summary

To advise the committee about recent and forthcoming decisions relevant to the work of the committee.

Recommendation

Members are asked to review the recent or forthcoming decisions and agree whether any should be the subject of further consideration by scrutiny.

Background and Advice

It is considered useful for scrutiny to receive information about decisions in the Forward Plan and decisions recently made by the Cabinet and individual Cabinet Members in areas relevant to the remit of the committee, in order that this can inform possible future areas of work.

Recent decisions taken by Cabinet Member or the Cabinet can be accessed here:
<http://council.lancashire.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

Forthcoming decisions are included in the Forward Plan, which can be accessed here:
<http://council.lancashire.gov.uk/mgListPlans.aspx?RPId=244&RD=0>

The Forward Plan is published each month. It briefly describes matters likely to be subject to Key Decisions over the next four-month period. A Key Decision for this purpose is an Executive decision that:

- has significant effect on communities living or working in an area comprising two or more electoral divisions of the County Council without reference to a financial threshold.
- domestic decisions (affecting the internal workings of the Council) which have a financial impact on the Council of £1.2m or more.

The Forward Plan enables the public to see what Key Decisions are in the pipeline, who will be taking them and when, and what consultation will occur.

This can also be found under "F" via the alphabetical search on the front page of the county council's website via the following link:

<http://www.lancashire.gov.uk>

The Forward Plan is presented to all scrutiny committees on each agenda. The onus is on individual Members to have a look at the Forward Plan using the links provided above and obtain further information from the officer(s) shown for any decisions which may be of interest to them. The Member may then raise for consideration by the Committee any relevant, proposed decision that he/she wishes the Committee to review.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management or other implications

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

Scrutiny Committee

Meeting to be held on 9 September 2011

Electoral Division affected: None

Work Plan 2010/11

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

The plan at Appendix 'A' summarises the work to be undertaken by the Committee during 2010/11. The statement will be updated and presented to each meeting of the Committee for information.

Recommendation

The Committee is asked to note the report.

Background and Advice

A statement of the current status of work being undertaken by the Committee is presented to each meeting for information.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are not significant risk management implications.

Financial, Legal, Equality and Diversity, Human Rights, Crime and Disorder, Personnel, Property Asset Management, Procurement, Traffic Management, CIA (policies and strategies only):

N/A

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A	N/A	N/A
Reason for inclusion in Part II, if appropriate		
N/A		

Scrutiny Committee Workplan 2010 / 2011

Date of Meeting	Agenda setting	Chair's Briefing	Topic	Witness	Purpose/Key issues
9 Sept		7 Sept	Winter Maintenance	Jo Turton	
			Report of the Task Group: "Who Cares?" Cross Boundary Looked After Children	Cllr Steen	<p>Terms of Reference</p> <ul style="list-style-type: none"> • Assess whether current arrangements to support cross-boundary Looked After Children in Lancs or from Lancs are effective and value for money in achieving standards of care as set out in Care Matters – Time for Change and Every Child Matters • Establish what vulnerabilities there may be in the current arrangements, in particular with regard: <ul style="list-style-type: none"> - Safeguarding - Education - Access to health services - Community safety • Identify whether these possible vulnerabilities increase any risks that the county council and other local service providers fail to fulfil their statutory duties in an efficient and value for money way • Make recommendations for improvements <p>1st report to Scrutiny Committee 8 Oct 2010: 8Octreport</p>

7 Oct		5 Oct	Lancashire County Council's Cultural Offer	Ian Watson Cllr David Smith	<ul style="list-style-type: none"> • Analysis of Directorate outputs icw Culture and Sport Strategy • Corporate Action Planning • Dvpts icw Lancaster Castle • Progress on delivery of Records Office action plan
			CYP Early Intervention and Prevention	Bob Stott	New Strategy implemented 2010 – performance and impact
			Budget Scrutiny	George Graham	Based on quarterly monitoring report
11 Nov		9 Nov	Lancashire CC's Children Looked After – Leaving Care	Cllr Tony Winder Dave McHale	Background: following item on 12 Nov 2010 To scrutinise: -the evidence base for and progress in the development of a county-wide strategy on Leaving Care -the performance of a new county-wide strategy
			Highways Agency	FULL REPORT	To be decided, although background to this proposal is: http://www.bbc.co.uk/news/uk-england-lancashire-12463499
9 Dec		6 Dec	Youth Employment and Employability Strategy	Martin Kelly	
			Budget Scrutiny		Based on quarterly monitoring report

			Economic Development	Martin Kelly/Michael Welsh	Committee to scrutinise progress in outcomes from the EDF and achievements from a reoriented LCDL in support of it (following 10 Dec 2010 meeting).

Possible future issues:

Item	Suggested Action	Notes
20mph zones – Update on Cab member decision Feb 2010 when plans more developed / or implemented	Note for information	Short note, giving timings for various actions
Utilities Companies: Street Lighting and road Reinstatements Environment Directorate Commissioning		United Utilities and Electricity North West <ul style="list-style-type: none"> Seeking advice and guidance from Env. Dir. Ref: UU and ENW at Scrutiny Committee on 4 February: http://mgintranet/mgAi.aspx?ID=2059
Supporting People Programme; Partnership working	Note for information	

VCFS – Voluntary, Community and Faith Sector	Note for information	Update on previous Communities report. Particular interest in formal commissioning arrangements & monitoring
Working with the Voluntary, Community and Faith Sector in Services for Young People		Discussion with Cabinet Member for Young People with chairs & deputies of Scrutiny
Positive Life Style Choices (include Lancashire Alcohol Network)	Note for Information	
Traffic Regulation Orders	Report to Committee?	Interest expressed by the Chair Issues around cost of introducing TROs and levels of enforcement. Lancs Constabulary as witness?
Budget Scrutiny	Reports to Committee	Quarterly budget monitoring report (as supplied to Cabinet) – George Graham January 2012 – scrutiny of budget proposals, same process as previous year. Focus on impact of new budget changes/cuts NB 09/03/2012 as third one.
Corporate Strategy 2010-13 REFRESH		Lynne Johnstone

LINKS TO KEY DOCUMENTS/SITESLancashire County Council [Corporate Strategy](#)Lancashire Partnership's Sustainable Community Strategy [Ambition Lancashire](#)Local Area Agreement [LAA](#)Lancashire Children's Trust [Childrens Trust](#)Children and Young Peoples' Plan [CYPP](#)Joint Lancashire Transport Plan 2011-2021 [JLTP](#) Final sign off by Cabinet due March 2011Safer Lancashire and Community Safety Agreement [CSA](#)

TOPICS ALREADY CONSIDERED

- July 2010** - Impact Gvt Spending Reductions on Lancashire County Council
Youth Employment and Employability **TG report**
- Sept 2010** - Subsidised Bus Services and Concessionary Travel
Highways Winter Maintenance
- Oct 2010** - Impact of Gvt's £6.2bn Savings requirement on the county council
Private Children's Homes – task group established
Grit Bins
Lancashire Museums Service **TG report**
- Nov 2010** - After Care for children who have been looked after by the county council
Road Safety for Children and Young People **TG** – Executive Response
Highways Winter Maintenance Service **TG** – Executive Response and Draft Plan
- Dec 2010** - Role of LCC in local economic development: Economic Development Framework Strategy and LCDL
- Jan 2011** - Scrutiny of Budget Proposals 2011/12-2013/14
Street-lighting – role and performance of county council
- Feb 2011** - United Utilites – Roadworks and TMA; water management infrastructure;
Electricity North West - streetlighting
- Mar 2011** - Crime and Disorder Scrutiny – evidence base for setting priorities; domestic violence/anti-social behaviour
- April 2011** - Lancashire County Council Cultural Offer
Cultural and Sport Strategy
Cultural Services Restructure
Museums Service **TG** – Executive Response
Lancashire Records Office – Review and Action Plan
- May 2011** - Corporate Communications Service
- June 2011** - Flood Risk Management
Arts Council – Impact of latest Funding Round on Lancashire's Arts and Culture sector
Revised Terms of Reference
(BRIEFING NOTE: Economic Development – latest progress)
- July 2011** - Training Session

TASK GROUPS

Road Safety for Children and Young People – Completed

Youth Employment and Employability – Completed (Executive Response delivered)

Extending Use and Access to the Lancashire Museums Service (interim Exec Response given)

Cross Boundary Looked After Children, "Who Cares?" – ongoing

Budget Scrutiny 2011- (completed)