

# OUR CORPORATE PARENTING POLICY



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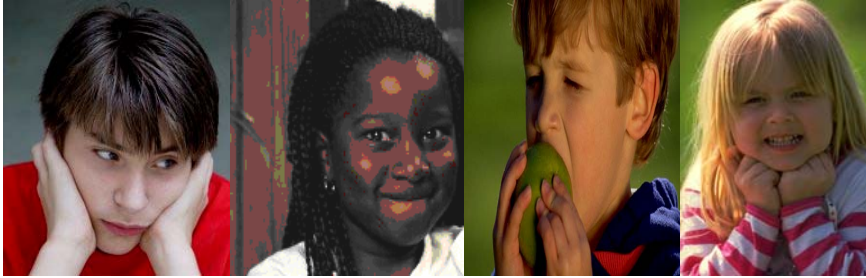


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## OUR VISION



**In line with the Local Preventative Strategy:**

**As Corporate Parents we will work to ensure that all Island children, and especially looked after children:**

Are healthy, safe, and well cared for;

Do well at preschool & school;

Are valued equally;

Are part of a caring family and social circle of friends;

Live in a crime free community;

Have a secure income and home as part of a family or as an individual;

and

Become independent and able to make choices.





## THE ISLE OF WIGHT COUNCIL'S CORPORATE PARENTING STATEMENT OF INTENT



### THE ISLE OF WIGHT COUNCIL:

Is committed to raising the quality of life of everyone associated with the Council and the Island Community, including children and young people, and in particular those who are looked after, by:

Sharing a responsibility for children and young peoples' well-being with family members and carers, recognising the continuing obligation of those involved.

Ensuring that all of its services maintain high standards to encourage, protect and support children and young people in line with their needs, the local community needs and national objectives.

Valuing and responding to the diverse and minority needs of Island children, young people and their families.

Consulting with and responding to the views of children and young people about their needs, the services available, and the opportunities to access them.

Providing a full range of support services, in partnership with social services, housing, health, education, cultural and leisure services, together with the voluntary and community sector that encourages access to all services.

Encouraging children and young people to play an active part in the local community, its safety, and its opportunities and activities as a whole.

Sharing and celebrating children and young peoples' achievements, especially when they are looked after, providing practical help and support in their growth to independence, and encouraging the Island community to share in this celebration and support.





## Leadership, Listening to Children and Partnership Working



### LEADERSHIP

The Council has a duty to act as a good parent to looked after children. This entails commitment and collaboration across a range of Council services, through effective leadership to ensure that:

Children, young people have stable, secure, safe and effective care.  
 Children, young people are protected from abuse and neglect.  
 Children, young people achieve academically and improve their life chances.  
 Young people leaving care have the best possible chance of being successful in their adult lives.

As corporate parents, we all need to ensure that the right players are involved for children and young people in our care, who are able and supported to think imaginatively, and through good collaborative work across services, produce solutions that are cost effective, as well as, focusing on and improving outcomes for children & young people.

### LISTENING TO CHILDREN



Looked after children are the consumers of services. They know what it is like and they know what could be done differently to improve their experiences. Taking their views into account is essential to ensuring that the service is effective. Mechanisms need to be in place for looked after children to discuss the service with the Island's Elected Members and Senior staff.

### PARTNERSHIP WORKING

A range of agencies are involved in delivering services to children generally and in particular supporting looked after children outside of the Council. These include local, general and specialist health services: the Child and Adolescent Mental Health service, substance misuse services and the voluntary sector. All need to be signed up to the corporate parenting agenda and partnership working, this is underway through the contributing member agencies to the Island's Local Preventative Strategy . Backed up by the statement of intent agreed by the Council, the Isle of Wight Healthcare Trust and the Primary Care Trust.





## Cross-cutting Issues

### COMMITMENT TO IMPROVING OUTCOMES



Ensuring good outcomes for children and young people will entail commitment from a range of council agencies, and good partnerships within the Council. The new 'Children's Directorate' will enable a seamless partnership between those Council Services, principally Children's Social Services and Education, located within it.

#### **Education and Looked After Children**

Having good educational qualifications is a very significant factor in improving the life chances of Island residents. Children who do well at school are likely to be more independent adults, both economically and socially. Therefore investing in the education of looked after children is a good long term investment. The Council signs up to the following principles that underpin corporate parenting, with regard to educational achievement:

- prioritising education;
- having high expectations;
- inclusion - changing and challenging negative attitudes;
- achieving continuity and stability;
- early intervention .

Multi-agency co-ordination and improved educational outcomes for children in public care can be brought about by two important principles: Ensuring every child in Care has a Personal Education; Ensuring that a designated teacher in school supports their development and progress.



#### **Leisure and Youth Services**

Play, leisure and recreation provide opportunities to develop both skills and experience needed in adulthood. They can help overcome social exclusion and lead to positive outcomes in health, educational attainment, employment and crime reduction.

The Council can commit to augmenting present services through:

Increased partnership working with more arts and leisure services:  
Supporting parents and carers to take children to local theatres, libraries, museums, galleries and sports clubs.

Ensuring that creative arts and sports learning partnerships offer opportunities for looked after children.

Ensuring that local leisure and youth services are accessible and used by children with disabilities.

Encouraging the inclusion of cultural and sporting achievements in Personal Education Plans.

Current Provision:

In conjunction with Looked After Children Education Services (LACES) local libraries have provided support for homework. Looked after children and foster carers have access to reduced price leisure passes for themselves and their children.



## **Leaving Care**

Young people who have been in care face particular challenges when they become independent and the Local Authority is required to offer them the kind of support that a good parent would to their own children as they reach adulthood.



Because looked after children may have little family support, many have missed out on opportunities for education / higher education and face stresses which make them potentially vulnerable in early adulthood. Good support in relation to housing, training, education and employment can make the difference between achieving independence and requiring long term support and care as an adult. The Island currently is working towards stretched Local Public Service Agreement targets in this area.

Councils must keep in touch with care leavers until they are aged 21 and beyond if they are in education, the Isle of Wight Council's children's services has made a commitment until our care leavers are 24 years if still in full time education.



## **Housing Issues**

Housing has an important role to play in enabling children to live locally and avoid high cost social care or educational alternatives.

Island children with disabilities can be supported locally, either in their own homes with additional services, or in local foster homes, or in the new Beaulieu for respite services. Special needs housing and adaptations to properties needs to be available to both parents and foster carers.

Helping foster carers with housing (either extending their homes or assisting them to move) to enable them to take additional children, including sibling groups, can be cost effective, despite initial capital investment. Over the long term, the cost benefits of local placement are significant. This is built into our current Housing Strategy.

The Council also has a responsibility to ensure that care leavers are helped to access good quality and appropriate housing, including 'move on' accommodation if this best meets their needs. Having somewhere to live is a prerequisite for getting a job and achieving financial independence.

## **Health and Looked After Children**

Children looked after should have their health needs met. Where there are difficulties social services and education must work with health to ensure that these are tackled effectively. The minimum requirements are:

- registration with a GP;
- routine immunisations;
- health assessment, and regular dental checks.



In addition we need to work towards having a comprehensive strategy for delivering accessible Child & Adolescent Mental Health Services by 2006, alongside the delivery of Healthy Schools standards, including health promotion and action planning in relation to diet and obesity, substance misuse, sexual health and teenage pregnancies.

## **Safer Communities**



The Council is committed to making the Island a safe place for Island residents and our children. Crime affects all of us, even if we do not experience it directly. It changes the way we feel about where we live and work. Children and young people are effected, a recent poll showed that young people are: fearful of being physically assaulted; of being bullied, and are worried about having their possessions stolen. At the same time young people are often seen or perceived as being the main problem, by others in the community.

In creating safer and more inclusive communities which can address issues of safety in relation to drugs and substance misuse including alcohol, the dangers related to sexually transmitted diseases, HIV/Aids, together with road safety, accident & crime prevention and valuing diversity, it is vital to involve young people, especially those who may be at risk. This is not only because they are a resource for change in the future, but also because their participation can also offer them positive opportunities and choices which may not have previously been on offer to them.



### **Monitoring and Scrutiny**

Services for looked after children need to be monitored and scrutinised on a regular basis by the Council. A holistic approach needs to be adopted, which looks at the quality and costs of services as well as what outcomes are being achieved, and the levels of activity undertaken.

Good sources of information are:

National and local performance indicators.

Social work data - e.g. statistics relating to numbers of referrals, outcomes of referrals, assessment activity and reviews.

Local and national research.

National and local inspection findings.

User satisfaction surveys.

Consultation and dialogue with children, young people, families, and their advocates.

Consultation and dialogue with other stakeholders including foster carers, adoptive parents, voluntary sector representatives and partner agencies.

Visits to services and establishments.

Unit cost data.









## 1 INTRODUCTION

- 1.1 The Laming enquiry into the death of Victoria Climbié revealed weaknesses in the governance and accountability for children’s social services. Laming suggests there is a chain of responsibility stretching from front-line staff through management to chief officers and elected members. His key conclusion about governance and accountability is that, “*The single most important change in the future must be the drawing of a clear line of accountability, from top to bottom, without doubt or ambiguity about who is responsible at every level for the well-being of vulnerable children.*” [1.27]
- 1.2 The purpose of this protocol is to provide guidance regarding the sharing of information for the purposes of governance in discharging the duties of a corporate parent through Elected Members and Officers in safeguarding and promoting the welfare of children on the Isle of Wight.
- 1.3 The Social Services and Housing Portfolio Holder and the Strategic Director endorse this Information Sharing Protocol, as part of the Council’s commitment to corporate parenting.

## 2. ACCESS TO INFORMATION & THE LEGAL CONTEXT

- 2.1 Members’ requirement for information and Officers decision to disclose information will arise in various contexts. Members have legal rights to ask for information, explanation and advice in order to discharge their role as a Member of the Council. This can range from a request for general information about some aspect of the Children’s Social Services activities to a request for specific information on behalf of a constituent.

2.2 Legal restrictions on disclosure of information are:

- Common law duty of confidence
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000

For more detail on the legal restrictions listed above and a list of other Acts that could influence information sharing see the Appendix attached.

### **3. INFORMATION SHARING & THE ROLES OF ELECTED MEMBERS**

3.1 Both Members and Officers recognise the need for information sharing to ensure that the Council operates transparently and enables Members and Officers to undertake their relative roles and responsibilities in relation to discharging the governance and accountability for Children's Social Services.

3.2 There is a duty on Members and Officers to ensure that the Council is effectively discharging its duties to children and families and is striving for continuous improvement, value for money and performance management in relation to the services and outcomes for children and families on the Isle of Wight

3.3 To this end information shared with a Member must only be used by them for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

A Member:

- a) Must not disclose information given to them in confidence by anyone without the consent of a person authorised to give it, or unless he is required by law to do so and
- b) Must not prevent another person from gaining access to information to which that person is entitled by law.

3.4 Elected Members have a number of roles, which are set out in some detail in the job profiles section of the constitution.:

- as a Member of the Full Council:
- holding office as Leader or Portfolio Holder and member of the Executive;
- through membership of or chairmanship of Select Committees
- as a Representative of Residents/Constituents of her/his ward in pursuing information or complaints; and
- Representative of a political party, particularly at election time.

#### **4. SHARING INFORMATION WITH ELECTED MEMBERS AS A MEMBER OF THE COUNCIL**

4.1 The Portfolio Holder and Executive: Information for an Elected Member in their role as Portfolio Holder and Member of the Executive is required to enable them to carry out their official duties of governance and accountability. These duties require the understanding of the work of their Officers and the services provided for children in order to be able to make decisions as requested by Officers, or required by statute to govern and demonstrate accountability in the role of a corporate parent to children looked after, children in need and at risk, acting at all times within the best interests of children and families on the Island.

4.2 Members of Select Committee or associated Committee (Children's & Young People's Committee): Sharing or access to information to/by an Elected Member in their role as a Member of the Select Committee is required to enable them to carry out their official duties of overview and scrutiny. These duties require that they understand the work of their Officers and the services provided for children in order to be able to scrutinise performance, and to ensure that the decisions made by the Portfolio Holder and the Executive are as informed as is possible, and in the best interests of children and families on the Island. Information may be requested or shared in the process of consultation with the electorate either at Committees or through focus or other organised groups.

It is unlikely that information about individual service users will be necessary to discharge the functions of a select committee.

4.3 Briefings: The Leader of the Council, the Portfolio Holder and Chair of the Select Committee have a right to ask and receive briefings from Officers in relation to particular

cases where a child is vulnerable or at risk, or situations that may put the Council at risk either financially or of being brought into disrepute, or when the Council may be subject to intense media interest.

- 4.4 Officers need to respond to the above circumstances in a timely, and objective fashion, providing enough information to inform the Member/s concerned. On receipt the Member needs to understand their duty of confidentiality, in particular in respect of individuals and the media.
- 4.5 Members should only be given access to as much information as is necessary to carry out their duties. In the case of scrutiny, for example placement changes of child/ren looked after by the Council, in excess of the Government target, the Council is required to provide the Member with the relevant information about the child/ren in an anonymised form, their placement changes and the reasons for the change. The lack of compliance would not justify the provision of generalised access by Members to individual information held on a service database. The same follows that in relation to decision-making regarding policies, strategies or funding by the Portfolio Holders or as a Member of the Executive Committee.
- 4.6 In sharing information, the Council, through its Officers either on a case-by-case basis or through agreed procedures or guidelines should specify the purpose for which the information is shared and then used (or disclosed) and should also specify the steps that need to be taken to ensure the security of the information shared.
- 4.7 Use of shared information. Early drafts of Committee reports / briefing papers that are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

## **5. SHARING INFORMATION WITH ELECTED MEMBERS ACTING ON BEHALF OF A CONSTITUENT AS LOCAL TAXPAYERS WITHIN THEIR WARDS**

- 5.1 The Data Protection Act provides that personal data may always be disclosed at the request of or with the consent of “a data subject”. A Council does not generally have to obtain the consent of that “data subject” to disclose their data providing the Member

represents the ward in which the subject lives, where the presumption is that the member is representing the subject. If the information required is of a sensitive nature, as may well be when concerned with children's issues it may be prudent for the Member to seek the case consent of their ward Member/constituent.

- 5.2 Members cannot request that information regarding a 3<sup>rd</sup> party, eg an estranged partner, or a child or young person causing a nuisance be shared with a constituent, without the consent of the 3<sup>rd</sup> party. Neither can the Member request or demand information pertinent to Court Proceedings without seeking permission of the Court.
- 5.3 Generalised information may be requested or shared in the process of consultation with constituents either at Ward meetings or through focus or other organised groups.
- 5.4 Officers should make it clear that any information shared is for the process of assisting the constituent, and cannot be used for any other purpose. Officers need to put on record any such information requests from Members.

## **6. SHARING INFORMATION WITH ELECTED MEMBERS ACTING FOR POLITICAL PURPOSES**

- 6.1 Information may not be shared political purposes. Two exceptions exist: sets of data which the Council is required to make public, in which the Data Protection Act does not prevent disclosure, and information that does not identify any living individuals eg poverty indices.
- 6.2 The member officer protocol provides for political groups to request briefings on matters of policy. Such briefings will not involve the sharing of information about individual service users.

## **7. THE NEED TO KNOW BASIS**

- 7.1 Generally Members have a right of access to information if they can demonstrate 'a need to know' basis.

7.2 Relevant factors in the 'need to know' basis:

- The purpose of sharing the information?
- The nature and extent of the information requested to be shared?
- The recipient of the information and their duty to treat the information as confidential?
- Is the sharing of information a proportionate response to the need to protect and promote the wellbeing of a child/ren to whom the information relates?

7.3 Members will normally be expected to justify any request for information in relation to the specific terms outlined above.

7.4 No Member has the right to a "roving commission" to go and examine documents of Council services. Any request must initially be determined by the particular Head of Service whose Directorate holds the information in question (with advice from Legal Services).

## **8. DISPUTE, CORRESPONDENCE & ADVICE**

8.1 In the event of any dispute/s, regarding issues of information sharing needs to be determined by the Head of Legal and Democratic Services (or whichever Officer is appointed as the Caldicott Guardian and with responsibilities for data protection and information management) in consultation with the relevant Portfolio Holder and/or Strategic Director.

8.2 Members seeking advice from Officers should not disclose to other Members, unless otherwise agreed with the Officer(s) concerned.

8.3 Correspondence, in relation to information on an individual or a situation required or requested between an individual Member and an Officer should not normally be copied (by the Officer or the Member) to any other Member. In other words, a system of "silent copies" should not be employed. The exception is when a briefing is required that is expedient to be copied to, for example, the Leader, Portfolio Holder and the Select Committee or other Committee Chairmen.



### Common law duty of confidence:

This is provided by case law rather than legislation. The duty of confidentiality requires that unless there is statutory requirement to use information that has been provided in confidence it should only be used for the purposes that the service user has been informed and has consented to. It is generally accepted that most if not all information provided by service users is confidential in nature. The duty is not absolute but should only be overridden if the holder of the information can justify disclosure as being in the public interest (eg to protect others from harm)

### Human Rights Act 1998

When sharing information consideration should be given to the requirements of this Act. It places a legal obligation on all public authorities to act in a manner compatible with the Convention. The sharing of information has the potential to infringe a number of Convention Rights, e.g. Article 8 (Right to Private and Family life). The principle of "proportionality" is important, this requires the balance between the protection of an individual's rights with the general interest of society, information sharing should be restricted to a minimum and be the least damaging in achieving the objective.

### Data Protection Act 1998

This Act regulates the holding and processing of personal data, which is held on computer or in manual form. The data protection principles require that information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, and not held for longer than is necessary; and is kept securely in accordance with organisational policies and procedures. They do not apply to the deceased and anonymised information i.e. where an individual is not identified. The Act contains a number of exemptions, where it is recognised that it would be in the public interest to allow disclosure. These situations include: national security; the prevention and detection of crime or tax collection; health, education and social work; research history and statistics, information subject to statutory requirement; required by law or legal proceedings and in domestic purposes. Even

given this list exemptions need to be considered on a case-by-case basis, and legal advice should be sought.

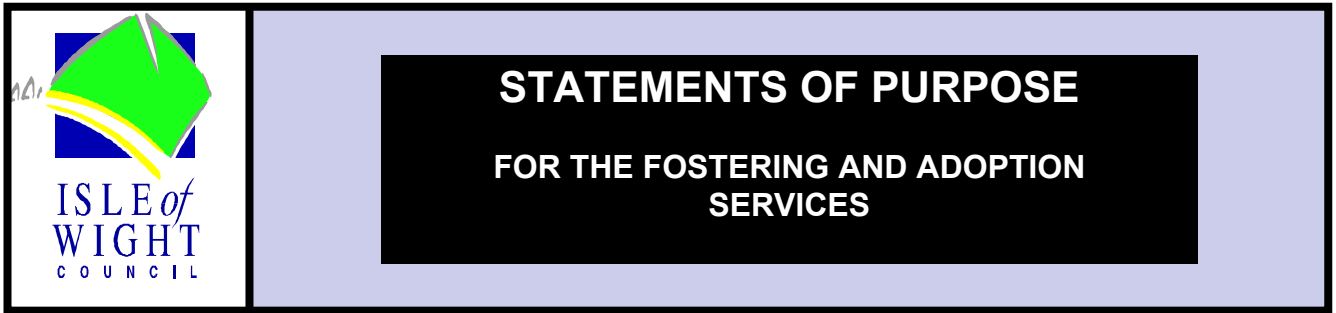
### **Freedom of Information Act 2000**

The Data Protection Act gives individual the right of access to personal information held about them, the Freedom of Information Act extends this right to include “non-personal” information. This may include information about a third party. The two laws come together at the point where personal information is considered for disclosure. In determining this an assessment must be made of any duty of confidentiality owed to the 3<sup>rd</sup> party; any steps taken with a view to seeking the consent of the 3<sup>rd</sup> party; is the 3<sup>rd</sup> party capable to giving consent and any expressed refusal by the 3<sup>rd</sup> party.

### **Other Acts**

Aside from these main duty and Acts, other legislation may need to be considered:

Crime and Disorder Act 1998	Regulation of Investigatory Powers Act 2000
Mental Health Act 1983	Housing Act 1996
Health and Social Care Act 2001	Children Act 1989
Race relations (Amendment Act 2000	Education Act 1996
	Computer Misuse Act 1990



## **Aims and Objectives of the Adoption Agency**

The Adoption Service on the Isle of Wight aims to:

- Achieve and improve on the national minimum standards for Adoption Services.
- Provide adoption placements for children within the South Coast Adoption Consortium area whose needs have been assessed and found to be best met by adoption.
- Ensure children are well prepared both practically and emotionally for a move to a new permanent family.
- Link children for whom adoption is the plan with families who can meet their ethnic, cultural, religious and linguistic needs.
- Recruit, assess and support adopters to provide homes for children where they and their history will be valued and respected.
- Provide independent, time limited advice and support to birth parents at the point that adoption becomes the plan for their child.
- Where ever possible siblings will be placed together and issues of contact with the birth family will be thoughtfully considered.

## **Aims and Objectives of the Fostering Service**

The Fostering Service on the Isle of Wight aims to:

- Achieve and improve on the national minimum standards for Fostering Services.
- Consideration will always be given to placing young people within their familiar network of family and friends as the first option. If necessary financial and other support will be provided and in some cases those families will be assessed as foster carers.
- Provide foster placements for Island children whose needs have been assessed and found to be best met by fostering. (Wherever possible a placement will be found in the young person's own community on the Isle of Wight.)
- Contact between young people being looked after and their parents and friends will be actively encouraged.
- Where ever possible siblings will be accommodated together.