

CHILDREN'S SERVICES PORTFOLIO DECISION RECORD

25th August 2006

Present:

Councillor Pam Hargreaves (Children's Services Portfolio Holder)

Officers: Phil Warrilow, Interim Assistant Director – Safeguarding and Specialist Services
Ann Turner, Governor Support Officer
Jo Wilson, Democratic Services Officer

12. Variation to an Instrument of Government - *Director of Children's Services*

Type of decision

Non-Key

Purpose of report

To request the Portfolio Holder to approve a variation to the Instrument of Government of a community school.

Issue(s) for consideration by Portfolio Holder

In accordance with Schools Governance (Constitution) (England) Regulations 2003, the Governing Body of Manor College of Technology had agreed at a meeting of the Governing Body held in Summer 2005 to a new constitutional model for their school. This was approved by the Portfolio Holder on 11th July 2005. Subsequently the Governing Body was proposing to change one of the sponsor governors set out in the original Instrument of Government from PX (TPP) to British Energy. The Governor Support Officer advised that this would not have any particular effect on Manor College of Technology or any other schools in the Borough

Decision

That the variation to the Instrument of Government be approved.

13. Appointment of Local Authority Representatives to serve on a School Governing Body - *Director of Children's Services*

Type of decision

Non-Key

Purpose of report

To request the Portfolio Holder's consideration and approval of the recommendation of the General Purposes Committee, in respect of the appointment of a Local Authority representative Governor, to serve on the Governing Body at Ward Jackson Primary School

Issue(s) for consideration by Portfolio Holder

Applications were invited from members of the general public, elected members and those governors whose term of office was about to expire who were interested in serving or wish to continue serving as a Local Authority representative governor on the governing body of Ward Jackson Primary School.

The criteria for the recruitment of Local Education Authority representatives were agreed by the Borough Council in 2000 and this was detailed in the report. Attached by way of appendix was a schedule setting out details of the vacancy together with applications received in respect of the vacancy which were considered by members of the General Purposes Sub-Committee at their meeting held on 31st July 2006.

Decision

That the recommendation of the General Purposes Committee, in respect of the appointment of a representative Governor to serve on the Governing Body of Ward Jackson Primary School where a vacancy exists, be approved.

14. Extension of Long Term Absence cover - *Director of Children's Services*

Type of decision

Non-Key

Purpose of report

To provide the Portfolio Holder with details of the current BEST long term absence scheme for schools and to request approval of an extension to the current contract until 31st March 2009.

Issue(s) for consideration by Portfolio Holder

In 1999 the Authority took out a three-year contract with BEST Underwriting LTD (BEST) to act as the Authority's preferred supplier of long term absence insurance for schools. The contract was subsequently renewed for a three year period in 2002 before being extended, with Portfolio Holder approval, to March 2007. The Authority had now been offered the opportunity to extend the contract for up to two years.

Details were given of the background of the long term absence scheme and the benefits to schools of continuation of the existing contract were outlined. Of the 22 schools covered by the scheme 20 had agreed to extend the Authority's contract while the other two were happy to abide by the majority decision.

Decision

That the extension of the current BEST contract to 31st March 2009 be approved

15. Special Guardianship – Financial Support Scheme -
Director of Children's Services

Type of decision

Non-Key

Purpose of report

To seek approval for a scheme of financial support in respect of Special Guardianship Orders in keeping with the Children Act 1989 and associated Regulations and Guidance.

Issue(s) for consideration by Portfolio Holder

Under the Adoption and Children Act 2002, amendments had been made to the Children Act 1989 and associated regulations, to introduce a new legal status called Special Guardianship. The report to the Portfolio Holder gave detailed background information and outlined the implications for the Local Authority. A full comparison of Residence Orders; Special Guardianship Orders and Adoption Orders was detailed in Appendix 1. Appendix 2 detailed Regulation 6 of the Special Guardianship Regulations 2005 which set out the circumstances in which financial support may be paid to a special guardian or prospective special guardian.

The financial implications were also outlined and Appendix 3, which contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to any individual (para 1), set out the current levels of remuneration available to Hartlepool Foster Carers and the cost of placements through Independent Fostering Agencies.

The report also contained information relating to the following:

- Special Guardianship Arrangements
- Special Guardianship – Proposed Financial Allowances Scheme
- (a) Private Law Applications and (b) Care & Associated Proceedings
- Legal Implications

Appendix 4 outlined Regulation 9 – Cessation of Financial Support.

In conclusion, the Portfolio Holder was advised that Special Guardianship extended the opportunities available to children and their carers and should be considered alongside other options such as Adoption Orders and Residence Orders. Special Guardianship was a new status offering children long-term security without the full effect of adoption. There were a number of children currently looked after by the Council who could well benefit from Special Guardianship but there was no financial incentive for their foster carers to make an application. The Special Guardianship Regulations would permit the Council to maintain financial remuneration to existing foster carers who made an application for a Special Guardianship Order.

Unlike any existing legislation, the Local Authority had a responsibility to assess the need for Special Guardianship Orders in private law proceedings where there may never have been any involvement with the child or family previously. The Local Authority had a duty to consider whether any support services, including financial support, should be made available. This was a new responsibility with potentially increased financial risks for the Council.

The Portfolio Holder expressed concerns that no mention was made in the report of the benefits to looked after children. The Interim Assistant Director advised that any such children who were made subject to a Special Guardianship Order would necessarily have been through a long-term matching process with properly vetted people. Quite often Local Authority intervention could get in the way of a sound caring relationship but this process would remove some of that intervention.

Decision

That the following recommendations be approved:

1. In private law applications, where the Council was not party to the proceedings –
 - The decision to approve any support service arrangements should be delegated to the relevant Head of Business Unit in the Safeguarding and Specialist Services Division
 - That any financial support should be provided in accordance with Regulation 6 and, in exceptional circumstances, where the payment is linked to specific, special needs and on-going, “means-tested” on a similar basis to those arrangements currently in place for Residence Order allowances.
2. In care and associated proceedings, where the child is looked after

and placed with approved foster carers –

- The decision to approve an application for Special Guardianship should be delegated to the Assistant Director (Safeguarding and Specialist Services) in the capacity of Adoption Agency Decision Maker, following consideration by, and a recommendation from, the Adoption Panel.
- That where the applicant is an approved foster carer currently caring for the child, any financial allowance should be equivalent to the level of foster care payment that the applicant is receiving or would receive if the existing fostering arrangements were to continue
- Where this would not be financially detrimental, the remuneration should be less the equivalent child benefit rate, which carers should claim independently
- All financial remuneration be reviewed after two years and, where continuing, annually thereafter.

J A BROWN

CHIEF SOLICITOR

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