

QUESTIONS RECEIVING A WRITTEN REPLY

From Mr Courtney Grant to the Portfolio Holder for Care Services

If you have a brain injury and significant communication disorders, but are an outpatient and do not suffer from a mental illness, you're not entitled to advocacy support from either Rethink or Advocacy First. How does this comply with the Care Act 2014?

Reply

Under the Care Act, as part of the assessment process, we have a duty to offer an independent advocate to a person where we have serious concerns that they have substantial difficulties in their ability to be fully engaged in the process, and/ or where there is no appropriate individual available to support and represent them or their wishes who is not paid or professionally engaged in providing care or treatment to the person.

From Susan Sulis, Secretary, Community Care Protection Group

THE MAY 2011 MUNRO REVIEW OF CHILD PROTECTION
(14 JULY 2011 Report DYCP 11085, para 6.5)

Professor Munro's Independent Review, commissioned by the Secretary of State for Education, recommended that there should be "protection of the roles of the Director of Children's Services and Lead Members from additional functions, unless there were exceptional circumstances"....

1. What were the 'exceptional circumstances' that led Bromley to disregard this recommendation?

Reply

As has been explained elsewhere the Council had regard to the Statutory Guidance in setting out its arrangements. The recommendations from the Munro Review is not the statutory guidance. The "exceptional circumstances" was not taken forward by the Secretary of State and not included in the statutory guidance.

PROFESSIONAL ADVICE TO MEMBERS ON THE PROTECTION OF THE ROLES OF THE DIRECTOR OF CHILDREN'S SERVICES AND LEAD MEMBER FOR CHILDREN'S SERVICES.

2. What professional advice was given to Members on the implications of disregarding the Munro Review and the 2009 and 2012 Statutory Guidance on protecting the roles of the DCS and LMCS by:

- (a) The Chief Executive?
- (b) The Monitoring Officer?
- (c) The Director of Children's Services?

Reply

The Munro review in itself does carry specific legal weight and the Council had due regard to the statutory guidance.

3. (a) Why wasn't 'pre-decision scrutiny' of the decision to merge the roles of the DCS and Director of Adult Services required?

(b) Did the Council make a submission to the September 2011 Government Consultation on the Revised Draft Statutory Guidance on Roles and Responsibilities of the Director and Lead Member of Children's Services?

Reply

(a) A similar question has been asked previously and it may be helpful to refer to the written reply provided to your Q1 at the Care Services PDS Committee meeting on 15th November 2016.

(b) I do not recall any formal response being made.
