

Corporate Parenting Panel

27 September 2019



Updated Sufficiency and Commissioning Strategy for Children Looked After and Care Leavers

Report of Lindsey Herring, Children's Commissioner, Adult and Health Services

Electoral division(s) affected:

County wide service provision for Children Looked After by the Authority

Purpose of the Report

- 1 This report seeks to provide an executive summary of the updated Sufficiency Strategy for Children Looked After and Care Leavers published in June 2019.

Executive summary

Purpose of the Strategy Review

- 2 During 2018/19, CYPS faced significant pressures in relation to securing appropriate placements for Looked After Children, in particular, residential provision to meet the needs of those young people who have high levels of complexity and challenging needs.
- 3 At the Annual Conversation with Ofsted in February 2019 placement sufficiency was raised as a concern, particularly given an increasing need to use unregulated provision during 2018 and early 2019. The Local Authority was informed that it was their view that Durham County Council were failing to meet its Sufficiency Duty under the Children Act (section 22(G)) to ensure suitable and appropriate placement resources for looked after children that were suitably and appropriately registered with Ofsted.
- 4 Given the changing needs of the Authority during 2018 and 2019, the pressures and challenges that we faced in meeting our sufficiency duty and our Annual Conversation with Ofsted, we reviewed our Sufficiency Strategy for Children Looked After and Young People. The updated strategy captures our current position, identified gaps, development and progress made during 2018-19 and further planned developments during 2019-10.

- 5 It should be noted that from May 2019, there have been no further unregulated placements made for children and young people that require care.

Durham's Looked After Population

- 6 Durham has a projected 4.2% growth in its population by 2026 and the number of children aged 0-15 is predicted to rise by 5.5% over the next 10 years.
- 7 The number of children in need has increased by 25% (between 2014 and 2019).
- 8 There has been a 20.3% increase in the number of looked after children between March 2016 and March 2019. This has presented many challenges for services across the Authority, particularly in relation to ensuring a sufficient number and range of placement types to meet the individual needs of children and young people.

Placement Mix

- 9 Durham has a range of placement types for children and young people that are looked after. The majority of our children (63%) live in foster care. This consists of 49% of placements with in-house carers and 14% with external independent providers.
- 10 The second largest group of children and young people (16%) live with family and friends.
- 11 7% of our children and young people are in residential care (3% external provision and 4% in-house provision).
- 12 Placement sufficiency and placement choice are key factors in supporting and improving placement sufficiency. As of 31 March 2019, 6.9% of children looked after and young people experienced 3 or more placement moves. This is a reduction from the previous year, with 8.3% of children looked after with 3 or more placement moves during the year. Durham is still performing better than other regional local authorities (9%), statistical neighbours (10%) and the England average (10%).

In-House Fostering

- 13 The majority of our looked after children living in in-house fostering provision (49%).

- 14 A total of 101 foster carers have been recruited between 2015/16 and 2018/19, with 69 carers de-registering during this period. The number of carers de-registering in 2018/19 has reduced to 9 throughout the year. Support, including financial support available to foster carers is critical to their recruitment and retention. This is evident in the feedback received for both new and long-time serving foster carers.
- 15 19% of short-term carers have a preference to care for children aged 11+.
- 16 There is a shortfall in available permanent placements to meet the current demand. The fostering service is promoting permanence arrangements for all new foster carers and ensures dual approval for both short term and permanent arrangements.
- 17 Recruitment and retention of foster carers remains a key priority and as 20% of mainstream foster carers are aged 60+ and given the dependency on Independent Fostering Agency (IFA) provision, the development of a robust marketing and recruitment strategy is important. Working with the Marketing Team to identify both new and proven methods of recruitment and using information/data captured within the update strategy will help to determine future target audiences and marketing needs. A focus will be placed on recruitment of foster carers for teenagers, managing children with complex needs and challenging behaviour and providing permanent placements.

Independent Fostering Agency (IFA) provision

- 18 Whilst the number of IFA placements has reduced during 2018-19, the overall number of foster placements with independent providers remains high, with 120 placements as of 29th March 2019 and 14% of all children looked after being accommodated in this type of provision.
- 19 The demand for IFA placements is high across the region, with local authorities describing the market as 'saturated'.
- 20 Durham continues to struggle to identify placements for older young people and those with more challenging and complex needs. This is often due to matching considerations alongside other children and young people already in the household.
- 21 The high demand for placements allows providers to be more selective.
- 22 Durham continue to play an active role in the current regional consortia framework. A new regional contract will be operational from October 2019.

Adoption

- 23 The Adoption Service continues to focus on achieving the best outcomes for children and to prevent delay in achieving permanence for the child with a plan of adoption.
- 24 In line with national trends, the number of adoption enquiries has significantly declined over recent years. In 2018/19, Durham received 13 initial enquiries, in comparison to 157 received in 2017/18 and 165 in 2016/17. This however isn't directly impacting the number of children placed for adoption, with 43 children placed in 2017/18 and 47 children placed in 2018/19.
- 25 Children placed for adoption in inter-agency and out of county adoptive placements have increased with the likelihood of having complex needs, being part of a sibling group and being older children.
- 26 Fostering for Adoption now plays an integral part of Durham's Early Permanency Strategy, with 7 children placed in fostering to adopt placements during 2018/19.
- 27 Durham continues to be part of the regional adoption agency development, 'Coast to Coast', involving two other local authorities and voluntary adoption agencies. It is anticipated that all adoption functions will be delivered by the new organisation from April 2020.

Residential Provision

- 28 Residential provision meets the needs of some of our children and young people with more complex needs and challenging behaviours who cannot live in fostering provision.
- 29 The number of external residential placements made in 2018/19 (45) has increased, in comparison to 2017/18 (28), demonstrating the greater demand for residential provision and the increasing complexities of our children and young people.
- 30 Given the presenting needs of some of our children and young people and their associated risks and matching requirements, at times we have struggled to identify appropriate regulated placements. This has resulted in a small number of unregulated placements for children who require care. This demonstrates that our sufficiency offer has emerging gaps, particularly in relation to smaller residential homes.
- 31 In response to these gaps, we have been developing a series of 1-2 bedded regulated children's homes with an external provider. Our first home opened in April 2019. The second home is due to be operational from December 2019 and the third home during early 2020.

- 32 We also have agreement to develop a further in-house children's home, which is being progressed and to re-provide our children's home which is located in Aycliffe.
- 33 A review of our residential homes offer commenced in August 2019. The review is considering the services currently offered and if these are still fit for purpose, in line with best practice and meeting our changing needs as an Authority.
- 34 Given the volatility within the residential provider market and the ongoing demand for residential provision, we need to ensure that we have a broad and more flexible range of residential provision.

Care Leavers

- 35 Durham continues to have a high percentage of care leavers aged 17-18 in suitable accommodation (96%), in comparison to both the England average and the statistical neighbour.
- 36 We have a range of universal accommodation and support options for Care Leavers, dependent on their individual needs.
- 37 During 2018 and 2019 we have been working with a number of providers to improve our accommodation and support options for young people aged 16+ who have needs that challenge services and who need to live on their own with support. In order to standardise our approach to purchasing this type of provision and offer an improved menu of services for young people, we are in the process of commissioning a new 'provider panel'. This will be in place from October 2019.
- 38 We want to improve our supported living offer, particularly for young people who have complex mental health needs.
- 39 New legislation in April 2018 meaning that all Local Authorities have a responsibility to continue offering support and accommodation to Care Leavers post 21 to 25 years, could result in greater demand for accommodation and support and this is factored in to recruitment activity and commissioning plans.

Recommendation(s)

- 40 Members of the Corporate Parenting Panel are recommended to:
 - (a) Consider the updated Strategy for Children Looked After and Care Leavers.

Background

- 41 The council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area. The 2010 guidance on the ‘sufficiency duty’ states that local authorities should have embedded plans, as part of their commissioning processes and through partnership working, to meet the duty.
- 42 The sufficiency duty must take account of the requirement, under section 22C (5) of the Children Act 1989, that the overriding consideration for placing a child is that the placement must be the most appropriate available to meet the child’s needs. Next, preference must be given to a placement with a friend, relative or other person connected with the child and who is a local authority foster carer. Failing that, a placement must be found, as far as is reasonably practicable in all circumstances, that:
 - (a) Is near the child’s home;
 - (b) Is within the local authority’s area, unless that is not reasonably practicable;
 - (c) Enables the child to live with an accommodated sibling;
 - (d) Where the child is disabled, is suitable to meet the needs of that child; and
 - (e) Does not disrupt his/her education or training

Conclusion

- 43 The aim of this Strategy is to ensure that children and young people in care live in stable, high quality settings, where their needs can be met and their outcomes improved, enabling them to return where this is in their best interests.
- 44 As corporate parent, the whole Council has a role to play to improve the outcomes for Durham’s looked after children and care leavers. This Strategy sets out a number of key objectives (Appendix 2 of the Strategy) and ensuring the delivery of its outcomes, forms part of the overall approach to supporting looked after children and care leavers and those young people on the edge of care and should also work in conjunction with other local strategies for children and families in need of support and protection.

Other useful documents

- Sufficiency and Commissioning Strategy for Looked After Children and Care Leaver
- The Children and Young People's Commissioning Plan 2019-2021

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Appendix 1: Implications

Legal Implications

The Children Act 1989 Section 22A places a duty on the local authority to provide children in their care with accommodation. Section 22G requires Local Authority's to ensure it secures so far as is reasonably practicable, sufficient accommodation within their area which meets the needs of children that the Local Authority are looking after and whose circumstances are such that it would be consistent with their welfare to be provided with accommodation that is in their local area (Sufficiency Duty).

Finance

There is continuing pressure on the budget for Children Looked After by the Authority. In 2018-19 these additional pressures on the Local Authorities Children's Social Care budget linked to placements, resulted in an overspend of £2.624 million.

Consultation

Staff from across CYPS and the Performance and Data Team have been involved in the update of the Sufficiency Strategy and insuring that the most up to date available data has been used.

Equality and Diversity / Public Sector Equality Duty

The Sufficiency Strategy highlights how we will provide children looked after and care leavers with the same opportunities as their peers.

Human Rights

Non-applicable

Crime and Disorder

Non-applicable

Staffing

Non-applicable

Accommodation

The Strategy outlines the range of accommodation options that are available for our children looked after and care leavers

Risk

It is a statutory duty of the Authority to provide sufficient, appropriate accommodation options to children and young people who are looked after. There is a reputational risk and risk of legal challenge if we can not meet our sufficiency duty.

Procurement

The Strategy identifies a range of commissioning solutions that are / will be developed over the coming year, which will be procured in line with the Authority's Contract Procedure Rules.