Cabinet

13 November 2019

Overview and Scrutiny Review, Children's Residential Care Homes

Report of Lorraine O'Donnell, Director of Transformation and Partnerships

Cllr Heather Smith, Chair of Children and Young People's Overview and Scrutiny Committee

Electoral division(s) affected:

Countywide

Purpose of the Report

1 The purpose of this report is to present for comment a draft report (appendix 2) following review activity on Children's Residential Care Homes by Members from the Children and Young People's and Safer and Stronger Communities Overview and Scrutiny Committees.

Executive Summary

2 This report provides the key findings and recommendations following an overview and scrutiny review of Children's Residential Care homes.

Recommendation(s)

3 Cabinet are asked to:

a) note the recommendations contained in the Overview and Scrutiny review report:

i. ***Recommendation One*** -. That consideration be given for the Durham Safeguarding Children Partnership via the Corporate Director of Children and Young People's Services and the ERASE team to receive a further report on timeliness and accuracy of information received from placing authorities to the Council and partner agencies in line with regulation 5 'to

engage with the wider system to ensure the children's needs are met' for out of area children looked after residing within a children's residential care home within the county.

ii. ***Recommendation Two*** - That the Corporate Director of Children and Young People's Services and the Durham Safeguarding Children Partnership (DSCP) monitor the demand placed upon the LADO and ensure that all private children's Residential care homes receive information about courses provided by DSCP relating to residential care.

iii. ***Recommendation Three*** - That the Durham Safeguarding Children Partnership receive regular information to monitor the number of incidents reported to Durham Constabulary from all Residential Children's Care Homes within the county and action taken to reduce demand.

iv. ***Recommendation Four*** - That the Council's Corporate Parenting Panel receive regular information relating to reported incidents to Durham Constabulary, for County Durham children looked after who reside within any residential children's care home within County Durham with a specific focus on reports of missing from home.

v. ***Recommendation Five*** - That following an evaluation of the trial of the accreditation scheme, the Corporate Director of Children and Young People's Services takes proposals for a revised scheme to Corporate Parenting Panel. As part of the implementation of a revised scheme it should be promoted with all children's residential care homes within County Durham.

vi. ***Recommendation Six***- That the Durham Safeguarding Children Partnership give consideration to lobbying regionally and nationally for agreement to explore an accreditation scheme for residential children's care homes nationally.

b) Agree that the Overview and Scrutiny report is shared with the Durham Safeguarding Children Partnership.

c) That a review of the progress made against the recommendations contained in this report will be undertaken six months after the report is considered by Cabinet.

Background

4 A joint review group was established from the membership of Children and Young People's and Safer and Stronger Communities Overview and Scrutiny Committees to consider Children's Residential Care Homes. The aim of the review was to gain an understanding of concerns associated with the impact of private children's residential care homes on demand of services and explore approaches to lobby government/ national bodies for tighter legislation.

5 These concerns are focussed on demands on services particularly with the Council's Children and Young People's Services (e.g. children's social work and education) and Police with reports of children reported missing, risks of vulnerability linked to CSE, criminal child exploitation and anti-social behaviour. All of which can have an adverse impact on local communities. Evidence suggests that placing children outside of their home local authority away from family, friends and social workers leaves them feeling isolated and more vulnerable to being groomed or exploited by criminals.

6 At the time of the review, within County Durham there were 22 private children's residential care homes providing approximately 90 beds to which over 77% have either a good or outstanding Ofsted rating. There are also 10 local authority children's residential care homes in county Durham. This includes a secure unit providing a national resource and a respite centre. The remaining eight homes provide 32 beds for children looked after from County Durham.

7 Members were also advised by officers from Children and Young People's Services and Durham Constabulary of existing approaches through partnership working to engage with children's residential care homes and the development of an accreditation process.

8 In addition, the emerging County Durham Plan provides for a policy regarding any new development of children's homes.

9 The review has gathered evidence through desktop research, meetings with officers from the Council's Children's services, virtual school and commissioning teams, Durham Constabulary and the ERASE team. Furthermore, the Chair of the Review Group also met with young people from a residential care home, attended a network meeting of children's residential care managers and held a focus group session on community concerns with councillors.

Key Findings

10 Many children placed in residential care have no say where they are placed or located, and some children find themselves far from the

familiar surroundings and locations. Sir Martin Narey's report titled 'Residential Care in England' considered that the wellbeing of the child was more important than the location of the children's home, but that children placed out of area should have as much face to face contact time with crucial support workers and are given the necessary resources to communicate and visit their family and friends.

11 Evidence suggests that placing children outside of their home local authority away from family, friends and social workers can leave them feeling isolated and vulnerable although it is recognised that for some children this can be in their best interests. Within this context, a data snapshot in December 2018, reported 80% of placements within private residential care homes in County Durham were from north east local authority areas.

12 Government guidance on children who run away or go missing from home states that a responsible authority must make sure the child has access to the services they need and should notify the host local authority and other specified services. Within the review's evidence gathering, views were expressed by officers and children's residential care homes managers that notification was inconsistent for out of area placements of children being placed within County Durham.

13 The Children's Society research suggests that statutory guidance should be revised to include guidance on information sharing from return home interviews and that local authorities must act on recommendations made about the welfare of the young person.

14 Evidence from Durham Police highlighted that in the case of children who frequently run away some return home interviews were not taking place and some young people were not seeing their social worker when living away from their placing authority area.

15 Children's residential Care homes are exempt from paying council tax or business rates because all residents are under 18 years old. Staff are not resident in the homes and therefore a class S exemption is in place as they are banded as residential premises.

16 In 2018 Durham Police indicate there was a 34% reduction across the force area (County Durham and Darlington local authority areas) in the number of young people going missing compared to 2017. This resulted in 280 fewer safeguarding concerns. During the same time period there was also a 26% reduction in the number of calls received to the police.

17 There is a greater demand from private children's homes on the Local Authority Dedicated Officer (LADO) than the Council's children's homes

and evidence suggests that the LADO has been used as a point of contact for advice and support.

18 As a result of rising demands and pressures particularly on Durham Police and the Council's Children's Social Care in 2014, a network arrangement was established between lead officers and residential Children's Care Home managers.

19 The network meetings are led by the ERASE team and are held on a quarterly basis and are an important communication forum between partner agencies and children's residential care home providers.

20 Outcomes from the network meetings have included the introduction of problem-solving meetings with homes managers to address underperformance and reduce demand. There has been improved information sharing with local authorities, Ofsted, children's homes and local neighbourhood police teams.

21 Throughout the review period an accreditation process has been developed by the Council to ensure that appropriate operational systems and requirements are in place at independent residential homes. The accreditation process is currently being trialled at three private children's residential care homes where children looked after from County Durham are residing.

Service Response

22 Children and Young People's Services have provided the following response to the recommendations within the review report.

23 In relation to recommendation one the Service have responded that the accuracy and timeliness of information from placing Local Authorities about children and young people placed in County Durham is kept under review and where it becomes apparent that a young person is living in County Durham and the appropriate notification has not been made, representation will be made to the DCS within that area.

24 Recommendation two refers to the Local Authority Designated Officer to which an externally commissioned review of the LADO role and associated capacity issues has been completed. A series of recommendations have been made and a multi-agency task and finish group is now implementing these recommendations. The outcome of this work will be shared with the DSCP in March 2020. In addition, all private children's homes providers are expected to be familiar with the DSCP arrangements and their safeguarding responsibilities. All available DSCP multi-agency training is shared on the DSCP website.

25 The multi-agency partnership group chaired by police colleagues called Criminal Exploitation Group (CEG) receives data and information relating to all children missing from home and care within County Durham routinely. This information is shared with the DSCP via the performance sub group. Where there are specific concerns relating to any specific home or an increase in demand on police time, tailored and bespoke work is done with homes managers to address the issues and ensure children are safe.

26 There is an agreed annual work programme for the Corporate Parenting Panel and data relating to children missing from home care is now shared via a regular quarterly performance report into the panel. More detailed presentations from the integrated Erase team will be shared at panel on an annual basis.

27 The Corporate Director of Children's Services will review the evaluation of the accreditation of children's homes pilot and present the findings to the Corporate Parenting Panel in March 2020. Following the conclusions of the pilot and review of the findings, the Corporate Director of Children's Services will consider sharing these with the Association of Directors of Children's Services.

Conclusion

28 This report provides an overview of activity undertaken, key findings and recommendations within the review group report contained in appendix 2.

Background papers

- None

Contact:	Ann Whitton	Tel: 03000 268143
	Jonathan Slee	Tel: 03000 268142

Appendix 1: Implications

Legal Implications

Section 22(3) of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of looked after children. This includes a particular duty to promote the child's educational achievement and in acting as good corporate parents to enable each looked after child to achieve their full potential. Under this section, local authorities should ensure that in commissioning services from providers of children's homes they comply with their responsibilities under the Children Act.

Volume 5 of the governments guidance documents for local authorities contains Statutory Guidance on Children's Homes. The guidance takes into account the requirements under the Care Standards Act 2000, in particular the Children's Homes Regulations 2001 (as amended) and should be read in conjunction with the National Minimum Standards (NMS) 2011

Finance

None

Consultation

None

Equality and Diversity / Public Sector Equality Duty

Information within the report focuses on protecting vulnerable children and an Equality Impact assessment on recommendations is to be undertaken.

Climate Change

None

Human Rights

None

Crime and Disorder

The report's content includes information on reported incidents from Children's Residential Care Homes to Durham Constabulary and recommends approaches to monitor demand.

Staffing

The increasing numbers of Private Children's Homes within Durham places additional demands on Durham Children's Social Care and Durham Police.

The service provided by the Local Authority Designated Officer (LADO) is increasingly used by the Private Children's Homes.

Accommodation

None

Risk

None.

Procurement

None.

Appendix 2: Children and Young People's and Safer Stronger Communities Joint Overview and Scrutiny Review Report

Joint Children & Young People's and Safer Stronger Communities Overview and Scrutiny Committees

Review Group Report

Children's Residential Care Homes in County Durham

November 2019

Contents

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)

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Email: scrutiny@durham.gov.uk

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Chair's Foreword

The number of looked after children is rising across the UK and County Durham is no different. While approximately 90% of children looked after by local authorities live in foster care, about 10% require accommodation in children's homes. Many of these children have complex needs and are highly vulnerable, so providing sufficient places for them in residential children's homes is a real challenge, especially in times of austerity when local authorities' budgets are stretched beyond their limits. Local authorities now run approximately 20% of children's residential homes, and the other 80% are run by a variety of private providers, including charities and private companies, some of whom are very large businesses with many homes across the country. The Ofsted report on children's homes from 2017-18 noted that the large providers are more likely to buy property in areas with the lowest property prices, and that this can result in a dearth of provision in some areas which will drive out-of-area placements for children, and also result in homes being opened in more disadvantaged areas.

County Durham has more private children's homes than any other area in the North East and Humberside. Members were aware that some of these homes were having an impact on local services and this was the principal reason for undertaking this review. We hoped to gain more information about the numbers and locations of private children's homes, the effect they were having on demand for local services, and what it is like for a child living in one of them. We were very interested to learn about the ways in which communication and partnership working were being facilitated between these homes, DCC, Durham police and other agencies, and some of the positive initiatives introduced in our county.

I am grateful to everyone who contributed to this review – the members who gave examples of what was happening in their divisions, the children from one of the residential homes, the managers of the private children's homes, Durham police and the ERASE team, staff from DCC Children's Services, Virtual School and Commissioning teams, and the scrutiny officers for the large amount of work in researching the background and legislation, and facilitation of meetings. This report would not have been possible without them.

Councillor Heather Smith
Chair

Executive Summary

1. A joint review group was established from the membership of Children and Young People's and Safer and Stronger Communities Overview and Scrutiny Committees to consider Children's Residential Care Homes, to gain an understanding of concerns associated with the impact of private children's residential care homes on demand of services and explore approaches to lobby government/ national bodies for tighter legislation.

2. Within this context the objectives of the review were:

   a) To gain an understanding of the impact of out of area placements in private children's residential care homes within the county and associated demands on Council and partner agencies.

   b) To consider and comment on current legislation and regulation to identify any gaps and explore approaches to lobby for tighter regulation and accreditation.

   c) To consider existing practices and identify gaps to how communication and engagement can be improved between the parent authority, private children's residential care homes and the Council.

   d) To hold focus group sessions to seek views on engagement, legislation, demand and community issues with contacts from private children's residential care homes, Children in Care Council and Elected Members.

3. At the time of the review in County Durham there were 22 private children's residential care homes providing approximately 90 beds to which over 70% were graded as Outstanding or good for 'Overall experience' by Ofsted. There are also 10 local authority children's residential care homes in county Durham. It is to note that this includes one secure unit providing a national resource and one respite centre to which the remaining eight homes provide 32 beds for children looked after from County Durham.

4. The emerging County Durham Plan provides for a policy regarding any new development of children's homes.

5. Many children placed in residential care have no say where they are placed or located, and some children find themselves far from the familiar surroundings and locations. Sir Martin Narey's review of residential care considered that the wellbeing of the child was more important than the location of the children's home, but that children placed out of area should

have as much face to face contact time with crucial support workers and are given the necessary resources to communicate and visit their family and friends.

6. Evidence suggests that often placing children outside of their home local authority away from family, friends and social workers can leave them feeling isolated and vulnerable although it is recognised that for some children this can be in their best interests.

7. Government guidance states that the Council who is placing the child must make sure the child has access to the services they need and should notify the host local authority and other specified services. Within the review's evidence gathering, views were expressed by officers and children's residential care homes managers that notification was inconsistent for out of area placements of children being placed within County Durham.

8. County Durham's Children looked after have access to the Children in Care Council (CICC) but children in out of area placements in County Durham do not have the same access. The review group felt that it is important for children in out of area placements living in private residential care homes in County Durham to engage with the local community where they live and would encourage that this is factored into placements to enable children in out of area placements to have a voice within their community.

9. The role of the Local Authority Designated Officer (LADO) is a statutory requirement to manage allegations and concerns about any person who works with children and young people in their area. The review group found there is an increased demand placed on the LADO from private residential care homes who tend to use the service as a point of contact for advice and information and felt that this demand should be monitored.

10. The review group heard from Durham Police that between 1 January and 30 September 2018 there were 386 missing from home reports for the County Durham local authority area. In view of this evidence the review group felt that the demand placed upon Durham Police from all children's residential care homes should be monitored.

11. County Durham has seen a significant rise in the number of children looked after which has put pressure on residential places and made it difficult to get the right 'mix' of young people in DCC's children's homes. The challenging behaviours of some of the young people and the rise in numbers of children looked after has led to an increase in demand to police and council services. The review group felt that this demand especially missing from home incidents should be analysed by the Corporate Parenting Panel.

12. The review group was impressed by the work of the Erase Team in establishing network meetings with managers of children's homes that positively engage and develop relationships with each other. One result of this work has been the development of an annual conference with the members that has attracted interest from other police forces in England and Wales.

13. During the review the group learned that an accreditation process was being developed by DCC and was being trialled at three private children's homes where children from the county were residing. The review group felt that following the trail and evaluation this accreditation scheme should be developed and promoted to include all children's residential care homes in County Durham.

14. Throughout the review the group felt there should be a national approach to accreditation of children's residential care homes and suggested that local Members of Parliament and national bodies should be lobbied to this effect to take this call forward to ensure the welling of children looked after.

Recommendations

Recommendation One -. That consideration be given for the Durham Safeguarding Children Partnership via the Corporate Director of Children and Young People's Services and the ERASE team to receive a further report on timeliness and accuracy of information received from placing authorities to the Council and partner agencies in line with regulation 5 'to engage with the wider system to ensure the children's needs are met' for out of area children looked after residing within a children's residential care home within the county.

Recommendation Two - That the Corporate Director of Children and Young People's Services and the Durham Safeguarding Children Partnership monitor the demand placed upon the LADO and ensure that all private children's Residential care homes receive information about courses provided by DSCB relating to residential care.

Recommendation Three - That the Durham Safeguarding Children Partnership receive regular information to monitor the number of incidents reported to Durham Constabulary from all Residential Children's Care Homes within the county and action taken to reduce demand.

Recommendation Four - That the Council's Corporate Parenting Panel receive regular information relating to reported incidents to Durham Constabulary, for County Durham children looked after who reside

within any residential children's care home within County Durham with a specific focus on reports of missing from home.

Recommendation Five - That following an evaluation of the trial of the accreditation scheme, the Corporate Director of Children and Young People's Services takes proposals for a revised scheme to Corporate Parenting Panel. As part of the implementation of a revised scheme it should be promoted with all children's residential care homes within County Durham.

Recommendation Six - That the Durham Safeguarding Children Partnership give consideration to lobbying regionally and nationally for agreement to explore an accreditation scheme for residential children's care homes nationally.

Strategic Context

Key Findings

- **There are 22 private children's homes and 10 LA children's homes in County Durham**
- **County Durham has the most private children's homes in the North East and Humberside Ofsted region**
- **80% of placements within private residential care homes in County Durham were from north east local authority areas.**
- **77% of private residential children's care homes in County Durham have a good or outstanding by Ofsted**
- **Children's Homes are exempt from Council Tax**
- **The emerging County Durham Plan includes a policy on the development of new children's homes.**
- **Government data indicates a 77% increase in the number of children sent to live in children's homes out of area from 2250 in 2012 to 3990 in 2018.**

Background

15. The number of children looked after in the United Kingdom has risen in recent years. At the end of March 2018 there were 75,420 children looked after in the UK, a 4% rise on 2017. In County Durham at the end of March 2018 there were 798 children looked after which was a decrease on the 31

March 2017 figure of 810. However, performance information throughout 2018 indicates that children looked after figures have again risen to 839 at the period ending 31 December 2018.

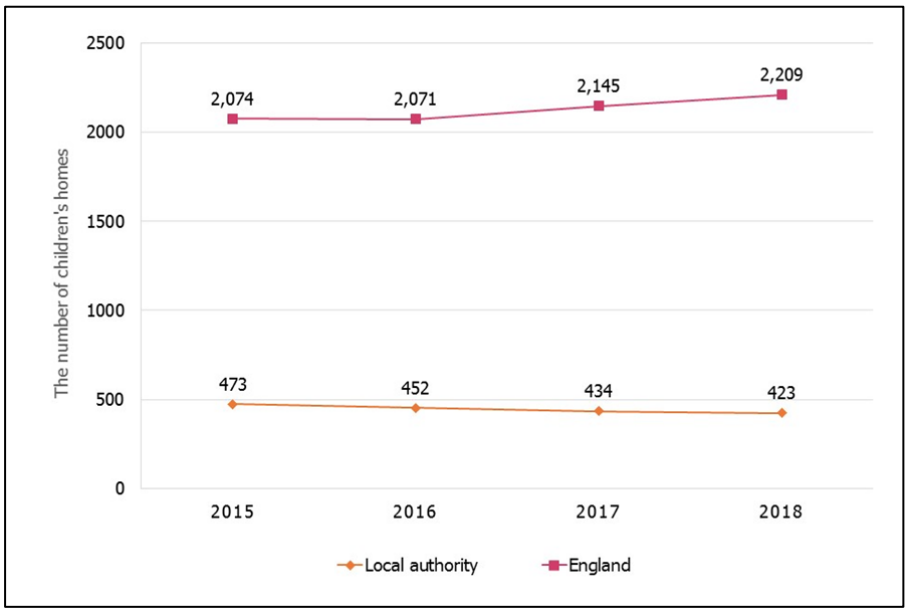
16. The majority of children in care live with foster carers and one in ten children in care live in residential children's homes. These children often have complex needs that require specialist care and support, and a residential care home is a better option for them.

17. There are 3 types of homes which care for children:

- children's homes – these are most of the homes in England and are defined as any home that is not a residential special school registered as a children's home and is not a secure children's home
- residential special school registered as a children's home
- secure children's homes

18. Evidence gathered within the Committee's report focuses on the type categorised as 'Children's Homes'.

19. The Office for National Statistics (ONS) data states that as at 31 March 2018, nationally there were 2209 children's homes in England an increase of 3% on the previous year. In comparison and at the same time local authorities have reduced the number of children's homes they run by 3% to 423 homes. This data is illustrated within the following graph.



20. Children's Homes are governed by stringent legislation and are inspected by Ofsted twice a year. Appendix 3 provides a summary of the legislation, guidance and policies that relate to operating a children's home.

National Context

National Reports and Inquiries

21. In 2012, an All Party Parliamentary Group (APPG) for Runaway and Missing Children and Adults, and for Looked After Children and Care Leavers published a report following a joint inquiry into children who go missing from care. A key recommendation in that report was for "Urgent action on 'out of area placements' to reduce the number of children living outside their own local authority, despite evidence which shows that this is often a major factor in causing them to run away and putting them at risk".[1]

22. In 2014, the House of Commons Education Committee produced a report into Children's Residential Care that suggested that Government should commission a study assessing the impact of introducing a new rule to prevent local authorities from placing a child more than 20 miles from home. The government did not conduct a study and suggested that "the solution we and the sector continue to work towards is ensuring sufficient local provision to accommodate the needs of the children in care".[2]

23. Ann Coffey MP in 2016 raised concerns around the issue of out of area placements during Education questions and was advised that the government had commissioned an independent review from Sir Martin Narey to look at all care options for children. The remit of the review included the full spectrum of placement options.

24. Sir Martin Narey's review considered that the wellbeing of the child was more important than the location of the children's home but that children placed out of area should have as much face to face contact time with crucial support workers and be given the necessary resources to communicate and make frequent visits to their family and friends. However legislation[3] clearly states there will be circumstances where a distant placement is better where a child has complex treatment needs or so that a child can be effectively safeguarded.

25. In March 2019 the APPG for Runaway and Missing Children and Adults launched an inquiry into the record numbers of children who go missing from out of area placements. In launching their inquiry, they highlighted that one thousand more individual children in out of area placements have gone missing from children's homes since 2015. The figures state that 990 children in out of area placements were reported as missing in 2015 and

[1] APPG for Runaway and Missing Children and Adults and APPG for Looked After Children and Care Leavers, Report from Joint Inquiry into children who go missing from care , 6/12
[2] Education Committee, Residential Children's Homes, 2013-2014 HC 716, 12/3/14
[3] The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review; June 2015

this has grown to 1990 in 2018 and compares to a 31% increase for children who go missing from children's homes within their home local authority area. In addition, their launch also reported that Government data indicates that there has been a 77% increase in the number of children sent to live in children's homes out of area from 2250 in 2012 to 3990 in 2018."

26. In 2014 the government produced statutory guidance on children who go missing from home or care. The guidance states that local authorities have a duty to place a looked after child in the most appropriate placement available, subject to their duty to safeguard and promote the welfare of the child. Any decision to place a child at a distance should be based on an assessment of the child's needs including their need to be effectively safeguarded. Evidence suggests that distance from home is a key factor for children looked after running away.[4]

27. The guidance explains that when a child is placed out of their local authority area, the responsible authority must make sure that the child has access to the services they need. Notification of the placement must be made to the host authority and other specified services. In addition, the Care Planning, Placement and Case Review Guidance, July 2014 Regulation 11(2)(d)(ii)), as amended, requires the responsible authority to consult with the area authority when they are considering making a distant placement, in good time to enable a thorough assessment of appropriateness. However, in case of emergency placements regulations 9(1)(b)(ii) 11(2)(c) and (d) state the responsible local authority is required to notify the host local authority within five working days.

28. Regulation 5 of the 'Guide to the Children's Homes Regulations including the quality standards' sets out the requirement that children's homes must seek to work with those in the wider system to ensure that each child's needs are met. Within the review's evidence gathering, views were expressed by officers and children's residential care homes managers that notification was not always timely, accurate and detailed for out of area placements of children being placed within County Durham. In addition, members were also informed that not all placing Authorities or children's care homes would inform the Council and partner agencies when a young person has left County Durham and this was an issue that had been raised with private homes.

29. It is felt that notification and appropriate information should be shared at the earliest opportunity to assist the child to obtain services within the county but to also identify any preventative or supporting measures that

[4] Statutory guidance on children who run away or go missing from home or care, DfE, 1/14

can be to put into place to reduce the vulnerability including the risk of going missing from home, child sexual exploitation or links to countylines.

30. Evidence suggests that placing children outside of their home local authority away from family, friends and social workers leaves them feeling isolated and vulnerable to being groomed or exploited by criminals. [5]

31. Children's Society research looking at five things that could make a difference to missing children and young people highlights the need for better communication and suggests that local authorities must work together with the police to ensure that children looked after who are placed out of the area do not slip through the net. It also highlights that statutory guidance should be revised to include guidance on information sharing from return home interviews and that local authorities must act on recommendations made about the welfare of a young person following a return home interview.

32. It was highlighted by Durham Police that in cases of frequent runaways some return home interviews were not taking place and some young people were not seeing their social worker when out of their placing authority.

33. Research undertaken by the Howard League for Penal Reform reported a lack of government oversight of the children's residential care homes 'market', coupled with a lack of financial transparency and indicated they intend to look in more detail at the issues associated with the residential care market. Furthermore, the National Audit Office in their report Pressures on Children's Social Care indicates that local authorities in different areas are paying widely different prices for the same standard of residential care.[6] These views were expressed by Members of the working group raised concerns about the profits being made by private children's homes.

Local Context

34. Durham County Council operate 10 Children's homes, one of these is secure accommodation which is a national resource, another residential care home is for children and young people with disabilities offering respite care and the remaining eight children's homes are for children looked after to be placed when residential care is the best provision for them. Within the eight children's homes there are 32 beds providing medium to long term placements for young people aged 12 to 18 years with emotional and behavioural issues. The demand for residential care beds is high due to

[5] https://www.childrenssociety.org.uk/news-and-blogs/press-releases/parliamentary-inquiry-into-the-scandal-of-%E2%80%98sent-away%E2%80%99-children as accessed 8/5/19

[6] Pressures on Children's Social Care, National Audit Office, January 2019

the high numbers of children looked after both nationally and in County Durham.

35. At the time of the review there were 22 private children's residential care homes operating in County Durham with some in rural locations offering approximately 90 beds. A data snapshot in December 2018, reported 71 placements (80%) were looked after children from north east authorities and 18 placements (20%) from outside the north east area. There were four looked after children living in private children's residential homes at this timepoint. As previously mentioned, the number of Children Looked After (CLA) is high by historical standards and although growth may have slowed recently this has impacted on the stability of placements. Information provided also reported that 77% of private residential children's care homes were graded as either good or outstanding by Ofsted.

36. The following table illustrates that County Durham has the highest number of local authority and private residential Children's Homes within the North East and Humberside Region of Ofsted. Although we are the biggest area by population our numbers of homes are more than double the next nearest local authority area.

Authority	Health Authority	Local Authority	Private	Voluntary	Grand Total
Durham		10	23	2	35
Newcastle upon Tyne		4	6	6	16
Darlington		4	9	1	14
Northumberland		5	7	1	13
Stockton-on-Tees		6	6		12
Middlesbrough	1	4	5		10
North Yorkshire		6	14		20
Kingston Upon Hull City Council		6	4		10
East Riding of Yorkshire		2	6		8
Sunderland			1	8	9
North Tyneside		5		2	7
Hartlepool Borough		2	4		6
Redcar and Cleveland			5		5
Gateshead		2	3		5
South Tyneside		3			3
Grand Total	**1**	**59**	**93**	**20**	**173**

Source: UK Government Statistical First Release Data 30/9/2018

Planning

37. Children's Services and Durham Police have worked with Durham County Council's Planning Department to include in the emerging County Durham Plan a policy relating to planning applications for new children's care homes. The new policy provides conditions for planning applications for new build premises and that in all instances a planning application must be supported by a management plan which incorporates a locality risk assessment for approval by the Local Planning Authority in consultation with Durham Constabulary, DCC Children's Services and any other appropriate agency. During the review, members raised concerns about

the number of planning applications for change of use of existing residential properties into children's homes.

Council Tax

38. Members of the working group raised concern about private children's homes not paying Council Tax or Business Rates. This concern was explored with the Council's Resources Service grouping who advised that children's homes are not registered for business rates as they are banded as domestic premises. The service also advised that children's residential care homes are exempt from paying council tax because all the residents were under the age of 18 years. The staff working in these facilities are not considered to be resident in the home and therefore the class 'S' (occupied by minors) exemption applied. The same exemption is in operation for the local authority managed children's homes.

39. The Local Government Finance Act 1992 and the Council Tax (Exempt Dwellings) Order 1992 provides the classes of dwelling that are exempt from liability to Council Tax. Council tax is not payable in respect of an exempt dwelling as long as the requirements giving rise to the exemption exist. Regulation 8 of the Council Tax (Administration and Enforcement) Regulations 1992 provides that Billing Authorities must take reasonable steps each financial year to identify the dwellings in the area that are exempt (for whatever reason) in line with requirements of the Local Government Finance Act 1992 and the Council Tax (Exempt Dwellings) Order 1992 and the powers to seek information to determine eligibility for any exemptions and therefore determine the liability for council tax.

Local Communities

40. The Review Group held a focus group with local members to discuss children's residential care homes and issues they had experienced in their communities. A focus session was also held with the Chair and young people from local authority areas outside of County Durham to give their view of living in residential care in County Durham.

41. Members highlighted examples within their communities where there had been incidents of anti-social behaviour that had caused an impact within the local area but advised of approaches to proactively engage with the children's home and this resulted with increased engagement in community events. Whilst acknowledging local concerns, Members also commented on the potential impact a move from a large city to a rural location could have on young people in care and were concerned at the distance these young people were being placed from their family and friends.

42. The young people advised there were four young people living in the residential care home with 14 staff members, during the day there were three staff on duty and two on duty through the night. The young people

had limited engagement with the local community but had tried to engage with them via charity fund raising events. One of the young people attended the local school and had made friends there. The residential care home where the young people lived encouraged engagement with the Children in Care Council (CICC) and they had attended CICC events and activities. Within this context the review group viewed that it is important for children in out of area placements living in private children's residential care homes to engage with the local community and would encourage this to be factored into placements and enable them to a have a voice within the community.

Recommendations

Recommendation One

That consideration be given for the Durham Safeguarding Children's Partnership via the Corporate Director of Children and Young People's Services and the ERASE team to receive a further report on timeliness and accuracy of information received from placing authorities to the Council and partner agencies in line with regulation 5 'to engage with the wider system to ensure the children's needs are met' for out of area children looked after residing within a children's residential care home within the county.

Demand and Engagement

Key Findings

- **There is significant demand put on the LADO from private children's home**
- **There has been a considerable amount of work done on engagement with children's homes**
- **Establishment of Children's Home Managers Network meetings**
- **Establishment of Children's Home Managers Conference**
- **Durham County Council is piloting an accreditation process for private children's homes.**

Demand

Durham Constabulary

43. The working group received information that indicated that there had been a great demand upon Durham Police from children's residential care homes that had led to the establishment of a children's residential care home managers network. Thanks to the engagement work that had taken place between the ERASE Team and the Children's Homes Managers

demand from children's private residential care homes has significantly reduced.

44. In 2018 Durham Police saw a 34% reduction across the force area (County Durham and Darlington) in the number of young people going missing compared with 2017, this resulted in 280 fewer safeguarding concerns. There was also a 26% reduction in the number of calls to the police during the same time period, resulting in 452 fewer calls.

45. The cost associated with each type of incident varied depending upon the type of incident and the time of day for example those incidents relating to Child Sexual Exploitation (CSE) reported late at night had higher costs and higher risks and were obviously a priority. Between 1 January 2018 and 30 September 2018 Durham Police had recorded 386 missing from home reports for the Durham local authority area. Whilst demand for services has reduced Members felt that this should be monitored.

Local Authority Designated Officer (LADO)

46. Durham County Council is statutorily required to have a designated officer to support staff across all organisations who work with children and young people. If any concerns arise regarding any practitioner who works with children and young people the LADO is to be informed.

47. The LADO should be alerted to all cases in which it is alleged that a person who works with children has:
    - Behaved in a way which has harmed a child, or may have harmed a child;
    - Possibly committed a criminal offence against or related to a child;
    - Behaved towards a child or children in a way which indicates that he/she may pose a risk of harm to children.

48. Members of the working group were provided with information of the number of referrals to the LADO, during April 2017 to March 2018. During this time 445 referrals were made, and of this figure seven were from DCC children's homes and 48 were made from private children's homes. In a six-month period (April to October 2018) the LADO received one referral from a DCC children's home and 90 referrals from private children's homes.

49. There is a clear indication that there is a greater demand on the LADO from private children's homes. The LADO is very proactive in relation to safeguarding, following up via proper protocols and liaising with Durham Police.

50. Evidence indicates that the demand on the LADO comes from private children's homes and it was suggested that in some cases that LADO is used as a point of call for advice and support. Members were concerned at the number of referrals and the demand placed on the LADO. This was reiterated at the Children's Home Network meeting where the LADO advised children's home managers of LSCB procedures and available training courses. In addition, the Erase Team had also provided private children's home's staff with advice and guidance in relation to inappropriate reporting.

Education

51. The Head of the Virtual School advised that in relation to being advised of young people from out of the area attending schools in County Durham it was often the school itself that informed her rather than the placing local authority. The County Council would become involved in hot spot areas such as where school places were of a premium and where possible special educational needs (SEN) support top up would be provided and the funding would come from DCC. It was explained that not all local authorities offered this top up support so to try to 'clawback' funding from other local authorities would be difficult and if cases related to the Mental Health Act then the responsibility for funding would remain with DCC.

Engagement & Partnership Working with Children's Homes within County Durham

52. As a result of rising demands and pressures particularly on Durham Police and the council's Children's Social Care in 2014, a network arrangement was established between lead officers and residential Children's Care Homes Managers.

53. The purpose of these meetings was originally to ensure that all homes complied with the then Durham Local Safeguarding Children's Board procedures in relation to young people going missing from care. This was in light of the national enquiry into Child Sexual Exploitation and to ensure that all children and young people placed within Durham were safeguarded. Further objectives of this engagement were to improve information sharing, relationships and accountability and provide a mechanism to provide challenge but also support to empower staff within homes in decision making.

54. These meetings are led by lead officers from the ERASE team, are held on a quarterly basis throughout the year and are an important communication forum between partner agencies and the private providers. There are a wide range of issues discussed that now form an integral part of joint work between Durham Police, the ERASE team and the Children's Homes within the County and reports back to the LSCB Missing and Exploited Group.

55. During the review period, Cllr Heather Smith, attended the February 2019 Children's Homes Network meeting and held a focus group discussion with residential children's homes managers. This allowed an opportunity to observe the engagement between the private children's homes managers, police and partner agencies whilst issues such as service demand, monitoring incidents, missing from home reports and staff training were considered and discussed.

56. Outcomes from this engagement have included the introduction of problem-solving meetings with homes managers to address underperformance and reduce demand, which has included search training to assist police when a young person is missing and empower staff to make decisions within the homes. The approach has also seen improved information sharing with local authorities, Ofsted, children's homes and local neighbourhood police teams within the Force area.

57. Safeguarding is at the centre of this activity and reviews of return to home interviews will help to gather knowledge to introduce preventative measures to reduce further incidents but also provide intelligence on known locations and associates. September 2018 saw the launch of the Philomena protocol that encourages carers, staff, families and friends to compile useful information which could be used in the event of a young person going missing from care. Utilising this approach will save time and resources but most importantly it has the potential to save lives of vulnerable young people, by working with children's homes to establish patterns of behaviour, places they frequently visit, keeping an up-to-date photograph and medication list on hand and if they do go missing completing a standardised form which will make the emergency services response to the enquiry more efficient.

58. Furthermore, this approach has led to two annual conferences with over 120 delegates from residential children's homes in attendance and is seen as a best practice approach with a number of police forces visiting Durham with a view to adopting a similar approach within their areas.

59. Durham Police indicated that when attending regional and national meetings in relation to safeguarding and children missing from care it was clear that Durham police and DCC were leading the way in relation to the work they do with private providers. Members of the working group were reassured with the approach taken and acknowledged the achievement of the partnership approach taken.

Accreditation Process

60. At present, there are no accreditation processes for private children's residential care homes within a Local Authority only through the regulatory

process with Ofsted. Throughout the review period an accreditation process has been developed by the Council and is currently being trialled at three homes where children looked after from County Durham are residing. Whilst residential children's care homes must have statutory procedures in place eg Ofsted certificate and DCC planning approval, the aim of the accreditation process is to ensure that appropriate operational systems and requirements are in place at independent residential homes.

The new proposed accreditation framework includes the following elements:

- Professional assessment of setting
- References from other Local authorities with placements at setting
- Provide forwarding copies of Regulatory body registration certificate, most recent Ofsted/CQC inspection and regulation 44 reports, statement of purpose and placement costings to local authorities.
- The provider will complete a mandatory check document covering financial, insurance, health and safety, equality and diversity and safeguarding information for assessment.
- The provider will also complete a Quality monitoring self-assessment form for assessment.

61. Once all documentation is received and deemed appropriate, the accreditation is signed off by the Council and a contract and individual placement agreement is issued. Following accreditation, there is a requirement for ongoing monthly monitoring of the settings through regulation 44 reports and annual contract compliance monitoring.

62. At the point in which evidence was considered by Members, this process is in the early stages of development. In summary, it was felt that this was a positive initiative and that following an evaluation of the trial at the three homes, consideration be given to promoting this approach with all residential children's homes within County Durham. In addition, as part of the evidence gathering for application, Members would encourage communication with the ERASE team as part of the accreditation process.

63. The working group suggested that there should be a national framework for all children's homes in England to enable a national register to be kept that would assist local authorities when placing children in residential care. This would be in addition to the Ofsted inspection framework.

Recommendations

Recommendation Two
That the Corporate Director of Children and Young People's Services and the Durham Safeguarding Children Partnership monitor the demand placed upon the LADO and ensure that all private children's Residential care homes receive information about courses provided by DSCB relating to residential care.

Recommendation Three
That the Durham Safeguarding Children Partnership receive regular information to monitor the number of incidents reported to Durham Constabulary from all Residential Children's Care Homes within the county and action is taken to reduce demand.

Recommendation Four
That the Council's Corporate Parenting Panel receive regular information relating to reported incidents to Durham Constabulary, for County Durham children looked after who reside within a residential children's care home within County Durham with a specific focus on reports of missing from home.

Recommendation Five
That following an evaluation of the trial of the accreditation scheme, the Corporate Director of Children and Young People's Services takes proposals for a revised scheme to Corporate Parenting Panel. As part of the implementation of a revised scheme it should be promoted with all children's residential care homes within County Durham..

Recommendation Six
That the Durham Safeguarding Children Partnership give consideration to lobbying regionally and nationally for agreement to explore an accreditation scheme for residential children's care homes nationally.

Appendix 1

Terms of Reference

The review has undertaken research to gain an understanding of concerns associated with the impact of private children's residential care home on demand of services and explore approaches to lobby government/ national bodies for tighter legislation. This area was identified by the Director of Children's Services and concerns were raised by Members and partner agencies which the objectives of the review were:

a) To gain an understanding of the impact of out of area placements in private children's residential care homes within the county and associated demands on Council and partner agencies.

b) To consider and comment on current legislation and regulation to identify any gaps and explore approaches to lobby for tighter regulation and accreditation.

c) To consider existing practices and identify gaps to how communication and engagement can be improved between the parent authority, private children's residential care homes and the Council.

d) To hold focus group sessions to seek views on engagement, legislation, demand and community issues with contacts from private children's residential care homes, Children in Care Council and Elected Members.

Appendix 2

Review Meetings Held

The review has gathered evidence through desktop research, meetings with officers from the Durham County Council and Durham Constabulary and undertaken focus group activity with elected members, children in care council and children's residential care home managers.

Date	Activity/Venue
30/10/2018	Working Group Meeting – Overview Session, County Hall, Durham
19/11/2018	Focus Group Session – Elected Members, County Hall, Durham
29/11/2018	Working Group Meeting – Demand, Risk and Impact on Communities, County Hall, Durham
14/01/2019	Focus Group Session – Children in Care Council, County Hall Durham
31/01/2019	Working Group Meeting – Current regulation, legislation and engagement, County Hall, Durham
15/02/2019	Focus Group Session – Children's Homes Managers Network Meeting, Police HQ, Durham
26/03/2019	Working Group Meeting – Accreditation and Partnership Arrangements, County Hall, Durham
07/06/2019	Working Group Meeting – Consideration of Findings from the Review, County Hall, Durham

APPENDIX 3 – Summary of Legislation

Children's Residential Care Homes

Legislation and Planning

The Children Act 1989, Guidance and Regulations Volume 2 – Care planning, Placement and care review 2015
This legislation places a duty on the responsible authority when a child is in their care to provide the child with accommodation. It provides a framework within decisions about the most appropriate way to accommodate and maintain the child must be considered.

In relation to distant placements local authorities are required to consult and share information before placing children in distant placements and must be approved by the DCS. When making a distant placement the placing authority to consult with the are authority in 'good time' to enable assessment of appropriateness. This does not mean the area authority has a veto over the placing authority's placement decision.

The Care and Standards Act 2000
This Act sets out what is a Children's home and what is not a children's home and any property defined as a children's home in the Act must register with Ofsted who are required to carry out two inspections per year and one of these must be a full inspection.

A children's Home must have: - registered provider; a registered manager; a statement of purpose; a children's guide setting out what a child can expect from the home and policies and procedures as detailed in the Children's Homes (England) Regulations 2015.

Children's Homes (England) Regulations 2015
Provides the regulations as to Children's Homes in England should be ran. The Government produced 'Guide to the Children's Homes Regulations including the quality standards' to accompany this legislation.

Regulation 44 sets out what is required by the independent person when visiting the children's home and who should receive a copy of their report including upon request, the local authority for the area in which the home is located.

Guide to the Children's Homes Regulations including the quality standards
The guide covers the key principles of residential care and the quality standards that must be met by children's homes. It provides more information in relation to the regulations.

From a Distance 2014 (Ofsted)

Ofsted highlight that the notification system of out of area placements to the 'receiving' local authority is unreliable and when proper notifications do not happen this can lead absence or delay in the provision of protection and support to the child. It also impacts on the receiving authority and other agencies by them being undermined by inaccurate information about the number of and needs of children living in their area.

The Ofsted report highlights that some receiving local authorities did not have a sufficient understanding of the needs of children placed in their area by other local authorities.

Residential Care in England – Sir Martin Narey Report

The report recommends that local authorities and consortia to be cautious about following any hard and fast rule about placement distance and recognise that the right placement for the child is more important than location. They should no longer impose geographical restrictions on where homes must be located in order to be included in contracts.

Education Select Committee's report into residential care 2016

The Select Committee suggested that "the Government commissions a study, assessing the impact of a rule prohibiting local authorities from placing a child more than 20 miles from home, unless there is a proven need to do so". However the government responded that it "understands the Committee's concerns, we do not believe that conducting a separate study on the implications of a 20-mile radius cap, in isolation from other factors, would help to resolve the core issues affecting the quality of local authority placement commissioning and social work support" Instead, "the solution we and the sector continue to work towards is ensuring sufficient local provision to accommodate the needs of the children in care"

Appendix 3 Equality Impact Assessment

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	TAP – Overview and Scrutiny Committee
Lead Officer	Tom Gorman
Title	Review of Children's Residential Care
MTFP Reference (if relevant)	
Cabinet Date (if relevant)	13 November 2019
Start Date	30 October 2018
Review Date	

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):
The purpose of the Scrutiny review was to gain an understanding of concerns associated with the impact of private residential care homes on the demand of services and explore approaches to lobby government/ national bodies for tighter legislation. The review had the following key lines of enquiry: a) To gain an understanding of the impact of out of area placements in private children's residential care homes within the county and associated demands on Council and partner agencies. b) To consider and comment on current legislation and regulation to identify any gaps and explore approaches to lobby for tighter regulation and accreditation. c) To consider existing practices and identify gaps to how communication and engagement can be improved between the parent authority, private children's residential care homes and the Council. d) To hold focus group sessions to seek views on engagement, legislation, demand and community issues with contacts from private children's residential care homes, Children in Care Council and Elected Members. The review highlighted that placing a child outside of their home local authority away from family, friends and their social worker can leave them feeling isolated and vulnerable although for some children this can be for their best interests. Government guidance states that a responsible local authority must make sure the child has access to the services they need and should notify the host local authority and other specified services. The review found evidence to suggest that notification was inconsistent for out of area placements of children being placed in County Durham. The Children's Society research suggests that statutory guidance should be revised to include guidance on information sharing from return home interviews and that local authorities must act on recommendations made about the welfare of the young person.

Evidence from Durham Police highlighted that in the case of children who frequently run away some return home interviews were not taking place and some young people were not seeing their social worker when out of the placing authority area.

Children's residential Care homes are exempt from paying council tax or business rates because all residents are under 18 years old. Staff are not resident in the homes and therefore a class S exemption is in place as they are banded as residential premises.

In 2018 Durham Police indicate there was a 34% reduction across the force area (County Durham and Darlington local authority areas) in the number of young people going missing compared to 2017. This resulted in 280 fewer safeguarding concerns. During the same time period there was also a 26% reduction in the number of calls received to the police.

There is a greater demand from private children's homes on the Local Authority Dedicated Officer (LADO) than the Council's children's homes and evidence suggests that the LADO has been used as a point of contact for advice and support.

As a result of rising demands and pressures particularly on Durham Police and the Council's Children's Social Care in 2014, a network arrangement was established between lead officers and residential Children's Care Home managers. Outcomes from the network meetings have included the introduction of problem-solving meetings with home managers to address underperformance and reduce demand. There has been improved information sharing with local authorities, Ofsted, children's homes and local neighbourhood police teams.

Throughout the review period an accreditation process has been developed and is currently being trailed at three homes where children looked after from County Durham are residing.

Within this context the review identified six recommendations:

- Consideration of the timeliness and accuracy of information received from placing authorities to the council and partner agencies in line with regulation 5 of the Care, Planning and Case Review Guidance.
- That the demand placed upon the Local Authority Designated Officer (LADO) is monitored and ensure that all private residential care homes receive information about courses provided by Durham Safeguarding Children Partnership relating to residential care.
- That Durham Safeguarding Children Partnership receive regular information to monitor the number of incidents reported to Durham Constabulary from all residential children's homes within the county and act to reduce demand.

- That the Council's Corporate Parenting Panel receive regular information relating to reported incidents to Durham Constabulary for County Durham's children looked after who reside in residential care homes within the county with specific focus on reports of missing from home.
- That Durham Safeguarding Children Partnership and the Children and Families Partnership acknowledge the proactive work undertaken by the ERASE team to positively engage and develop relationships with residential care homes in County Durham and the benefits it has achieved.
- Following an evaluation and trial of the accreditation scheme consideration is given to exploring development and promotion of the scheme to all children's residential care homes in County Durham.
- Durham Safeguarding Children Partnership and Children and Families Partnership give consideration to lobby County Durham's MPs and appropriate national bodies to call for a national approach for accreditation of residential children's care homes within the County.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):
Children looked after residing in County Durham, children's residential care home staff, local authority designated officer, DCC children's services staff, DCC Members as Corporate Parents and Durham Police.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure

Age	N	Children looked after may be in residential care up to the age of 25 years
Disability	N	Some of the Children looked after residing in residential care homes may have behavioural and emotional issues.
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	N
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

Negative impact is not anticipated as a result of the proposed recommendations.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to: • eliminate discrimination, harassment and victimisation, • advance equality of opportunity, and • foster good relations between people from different groups?
The recommendations in the review will enable the local authority and partners to be aware of children looked after from outside of the local authority area but residing within it to provide support and address concerns through information sharing and engagement.

Evidence

What evidence do you have to support your findings? Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.
Evidence was received from Durham police relating to the demand and number of incidents raised relating to children's residential care homes in county Durham local authority area. Information was given from DCC children's services relating to the demand on the LADO and the accreditation process. The Chair of the review group attended a meeting of the Children's Residential Care Homes Managers to observe the engagement between the ERASE team and the Children's Homes Managers to address issues.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Individual EIAs will be undertaken by the relevant service grouping following agreement by Cabinet of any of the recommendations contained in the review report.
No evidence of actual or potential impact on some/all of the protected characteristics?	

Sign Off

Lead officer sign off: Tom Gorman	Date: 28 October 2019
Service equality representative sign off: Mary Gallagher	28 October 2019

If carrying out a full assessment, please proceed to section two.

If not proceeding to full assessment, please return completed screenings to your service equality representative and forward a copy to **equalities@durham.gov.uk**

If you are unsure of potential impact, please contact the corporate research and equalities team for further advice at **equalities@durham.gov.uk**