

## **CABINET**

**15 JANUARY 2019**

### **SUFFICIENCY REPORT 2018**

Portfolio Holder	Councillor Andrew Mackness, Children's Services (Lead Member)
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#### **Summary**

The purpose of the report is to update the Cabinet on the annual refresh of the statutory Sufficiency Report.

The purpose of this Sufficiency Report, set out at Appendix 1 to this report, is to detail how Medway Council, through working with all its partner agencies, will meet the placement needs of current and future Children in Care and Care Leavers, and improve their outcomes in light of our understanding of their needs and current provision.

The Children and Young People Overview and Scrutiny Committee will consider this report on 10 January 2019. The comments of this Committee will be set out in an addendum report.

#### **1. Budget and Policy Framework**

1.1 The Sufficiency Report, set out in Appendix 1 of this report contributes directly to the following policy objectives:

- The Medway Council Plan 2016/17 to 2020/21 includes the objective that children and young people have the best start in life in Medway, including the commitment to work with partners to ensure the most vulnerable children and young people are safe.
- The Joint Health and Wellbeing Strategy for Medway 2012-2017 sets out five strategic themes, including working together to give every child a good start (theme 1) improving physical and mental health and wellbeing (theme 4) and reducing health inequalities (theme 5).

- Priorities in relation to the health and wellbeing of children and young people are set out in the Medway Improvement Plan, Early Help Strategy, the updated Looked After Children Strategy, the Young People's Homelessness Strategy, and Medway Council's Offer to Care Leavers.

1.2 The budget for external placements for children in care for 2018/19 was set at £9.16million and this is drawn from the general revenue fund through Children's Services budgets. Current spend is in the region of £11.3million per annum. The underlying causes of the overspend are the additional pressure of increased numbers of children coming in to care; extensions or increases in costs of existing costly placements for children with complex needs.

## **2. Background**

2.1 The "sufficiency duty" places a requirement on local authorities to "take steps to secure as far as reasonably practicable, sufficient accommodation within the local authority's area which meets the needs of children that the local authority is looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area."

2.2 The Sufficiency Report sets out the actions taken over the last year. It then goes on to describe the profile of the cohort of children in care, and how their needs have been met during the year, including for those young people leaving care. It then goes on to describe the commissioning priorities and requirements for the upcoming year.

2.3 The Sufficiency Report is refreshed on an annual basis to ensure that Medway is meeting these needs most effectively.

2.4 As this report does not reflect a change in policy or practice, no Diversity Impact Assessment has been completed.

## **3. Advice and analysis**

3.1 There has been a 10% rise in numbers of new children coming in to care over the last year. The majority of this activity is from the 10-15 year old age group. This has implications for both service delivery and resource allocation as late entrants into care tend to have poorer outcomes and often require higher levels of support to meet their complexity of need. Efforts to rehabilitate back home are less successful which leads to an increased demand for 16+ resources.

3.2 There is also an increase in the length of stay in care: 26% of our children in care have been in care for five years or more, compared to 19% three years ago.

3.3 This means that there has been an overall 8% increase in the number of children in care in Medway since September 2017.

3.4 The largest overall cohort of children in care remains the 10-15 year old age group. This age group has a greater prevalence of complex needs that can manifest in very challenging behaviour for families and carers to cope with

and provide support to the young person. There is an increased need for standard fostering provision (both in house and externally commissioned) that is able to support children and young people with challenging behaviour but also for therapeutic foster placements and for wrap around floating support to increase resilience and reduce the risk of placement breakdowns.

Furthermore, the increase in the numbers of children in care in this age cohort creates an additional need for Supported Accommodation semi-independent placements as the young people move towards independence that can support young people with both low to medium as well as complex needs.

- 3.5 The Sufficiency Report shows a continued decrease in the numbers of children and young people accommodated under Section 20 (voluntary), indicating sustained improvement in permanency planning for those children and young people.
- 3.6 The Sufficiency Report identifies a necessity for greater understanding of the needs of our children in care with disabilities for the second year running. Recently commissioned services have been designed to address the needs of children with and without disabilities in care but these services are yet to have an impact on the number of fostering placements available for this group. Action is already underway to address this. This year we have identified an additional cost pressure to the local authority relating to short term bridging placements while long-term residential school placements are sourced. Understanding how to address this and implementing remedial measures is a key priority.
- 3.7 In line with the efforts to maintain children within the care of their family, Medway continues to see high demand for parent and child placements. The average length of time in these placements while being assessed has increased from 13 to 19 weeks. Work is currently underway to ensure that the use of these more costly placements is done in a rigorous and timely fashion and that the pathways in and out of them are clearly understood and applied.
- 3.8 The adoption service has worked successfully to deliver as many families for children with adoption placement orders as possible within the context of a reduction in the number of prospective families available. However, Medway has recently changed the plans from adoption to long term fostering for nine children because it has been impossible to identify an adoption placement. This in turn puts pressure on internal placements and budgets.
- 3.9 Education provision has been touched upon in this year's Sufficiency Report in greater detail than before. An area where there is a need for improved understanding and potentially work to address gaps is that of alternative education provision.
- 3.10 The current projected numbers of care leavers indicate that the number of care leavers eligible for "assistance" (inclusive of accommodation) is expected to remain relatively stable for the next few years. The Sufficiency Report also shows that the projected number eligible for "support" (not inclusive of accommodation) is double the number eligible for assistance.

3.11 The Children Act 2008 defines Sufficiency as “a whole system approach which delivers early intervention and preventative work to help support children and their families where possible, as well as providing better services for children if they do become looked after”. As such, the Report indicates a focus for the year ahead on how interventions targeted towards the Edge of Care can dovetail with support for children in care.

3.12 The final section contains proposed actions presented as per the eight Strategic Priorities of the Looked After Children’s Strategy 2018. Planning activity to ensure that the actions are timetabled in a prioritised manner and deliver measurable success is set for early January.

**4. Children and Young People Overview and Scrutiny Committee – 10 January 2019**

4.1 The Children and Young People Overview and Scrutiny Committee will consider this report on 10 January 2019 and its comments will be reported to the Cabinet in an addendum report.

**5. Risk management**

5.1 The following represent the key risks to Medway Council’s ability to deliver on its Sufficiency Duty.

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
There is a risk that Medway may not meet its statutory duty to ensure sufficiency of provision for its children in care	The numbers of children coming in to care in combination with national shortages/waiting lists of available placements may result in undesirable delays to appropriate children’s care and/or placements out of area.	Constant drive to improving care planning to avoid emergencies continues to be implemented. Robust contract and performance management of providers to assure delivery of contracted services and reduce placement breakdown. Extensive partnership work to identify and resolve issues as well as develop improved service provision.	E3 (green)
There is a risk that short term solutions to address financial pressures may cause further cost pressures on the service	Short term measures that don’t appropriately address the needs of the child often result in multiple placement moves which impacts negatively on the child resulting in more high cost interventions and financial pressures.	Robust care planning and rigorous placement sourcing processes including a reviewed and updated placement agreement process that shares best practice across relevant teams. Work with partners to ensure that robust placement matching is undertaken.	C2 (red)

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
There is a risk that the workforce required to deliver the support levels required may not be sufficiently stable	High turnover of both social worker and foster caring staff as well as support workers has a negative impact on children and young people and causes inconsistency in the support they are given resulting in an increased likelihood of placement breakdown.	Significant internal measures are being taken within Children's Services to address this. Providers are held to account for their recruitment and retention capacity on every contract.	C3 (amber)
There is a risk that there may be a lack of local provision of foster carers	There is a national lack in levels of foster carers resulting in competition for available carers by both internal and external fostering provision. This can create occasional periods when placements able to support young people with complex needs or parent and child placements are either not available or very costly.	Constant work with providers to ensure that their recruitment and retention practices are attuned to the needs of the organisation. All improvements in care planning that decrease levels of emergency placements required will address this risk.	C3 (amber)
There is a risk that the placements process may not be best aligned to educational placements	The realities of providing placements for children may not always include the most appropriate education placement.	A reviewed and updated placement agreement process that shares best practice across relevant teams is being undertaken. The Sufficiency Report 2018 includes plans to look at education provision in greater detail to identify areas for improvement.	C3 (amber)

## **6. Implications for Looked After Children**

- 6.1 There are significant implications for children in care as set out in this report. The Sufficiency Report presents the measures to be taken to ensure that children in and leaving care not only have good quality placements to go to but that all measures are taken to ensure that these are robust placements that will safeguard them, prepare them for adulthood and reflect the values that those children and young people have indicated are important to them.

## **7. Financial implications**

7.1 Funding for these external placements will continue to be funded from the general revenue budget as it is a statutory duty for the local authority to provide sufficient care and accommodation for children in care. However a significant number of actual or potential financial pressure areas are apparent:

- there is an actual significant rise in the numbers of children in care
- the growth area is of those children with complex needs that currently require significant support
- an actual significant increase in the need for costly bridging placements
- continued current need for costly parent and child placements
- reduced amounts of adoptive families currently available resulting in more long term fostering placements required
- an as yet not fully quantified area of cost pressure in the provision of alternative education provision
- there is still the potential for an increase in the numbers of care leavers requiring support (and some will require accommodation)
- there is the possibility that secure placements (the most expensive) may be required for a very few young people going forward.

## **8. Legal implications**

8.1 Local Authorities are required to take steps to secure, so far as is reasonably practicable, sufficient accommodation for Children in Care within their local area. In 2010 the Statutory Guidance for the sufficiency duty was issued. This guidance is explicit in placing a duty on Local Authorities to act strategically to address gaps in provision by ensuring they include in relevant commissioning strategies their plans for meeting the sufficiency duty.

8.2 In taking steps to secure the provision of accommodation, the local authority must have regard to the benefit of having a sufficient number of accommodation providers in their area and a sufficient range of accommodation in their area capable of meeting different needs.

8.3 In exercising the sufficiency duty, Local Authorities should be mindful that under section 10 of the Children Act ('the 2004 Act') there is a duty upon Local Authorities to make arrangements to promote co-operation with its relevant partners with a view to improving the wellbeing of children in the authority's area. Each of the statutory 'relevant partners' in section 10 of the Act is also required to co-operate with the Local Authority in making those arrangements. The duty on Local Authorities to secure sufficient accommodation should therefore be undertaken within the context of the planning and co-operation duties which the 2004 Act places on partners in order to improve the wellbeing of the child in the area.

8.4 The sufficiency duty is a measure, which is part of a broad suite of guidance, and legislative provisions introduced to improve outcomes for children in care. Local Authorities should consider the sufficiency duty in tandem with their duties towards children within their area under S17(1), 20, 21, 22C and 23 of the 1989 Act.

8.5 Section 22G Children Act 1989 also imposes a duty on local authorities to take steps that secure, so far as reasonably practicable, that the local authority is able to provide looked after children with accommodation within the authority's area that meets the needs of those children, where circumstances are such that it would be consistent with the children's welfare for them to be provided with accommodation.

8.6 A failure to meet the general sufficiency duty could result in judicial review proceedings, and/or damages claims for breach of the Human Rights Act 1998, proceedings against the Council which could have huge costs implications.

## **9. Recommendations**

9.1 The Cabinet is asked to consider the comments of the Children and Young People Overview and Scrutiny Committee set out in the addendum report.

9.2 The Cabinet is asked to note the 2018 Sufficiency Report as set out in Appendix 1 of the report.

## **10. Suggested reasons for decisions**

10.1 Publication of the updated Sufficiency Report will enable the Council to fulfil its statutory requirement to take steps to secure, so far as is reasonably practicable, sufficient accommodation for Children in Care within the local area and will enable Medway to act strategically to address gaps in provision.

### **Lead officer contact**

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### **Appendices**

Appendix 1 - The 2018 Sufficiency Report

### **Background Papers**

None