

CABINET

4 FEBRUARY 2020

SUFFICIENCY REPORT 2019-20

Portfolio Holder:	Councillor Mrs Josie Iles – Portfolio Holder for 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.

This report was initially considered by the Children and Young People Overview and Scrutiny Committee on 9 January 2020, details of which are set out in section 5 of the 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 2018-23 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 2019/20 was set at £14.801million and this is drawn from the general revenue fund through Children's Services budgets. Current spend is in the region of £16.439million per annum. The underlying causes of the overspend are the additional pressure of increased numbers of children coming into care especially at older ages, extensions to existing costly placements for children with complex needs, a number of bespoke packages being required, and an increase in the numbers of residential school placements required.

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 currently refreshed on an annual basis to ensure that Medway is meeting these needs most effectively. However, this year it recommends that to continue to ensure sufficiency, a long-term strategy is required.

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 Numbers of Children Looked After (CLA) by Medway have remained stable with a slight decrease although this varies by age group. The largest overall cohort of children in care remains the 10-15 age group. However, the number of 16-17 year olds coming in to care continues to rise steadily and this has serious implications on service delivery. Furthermore, although the model looking at projections of numbers of children coming into care suggests that overall figures may continue to decrease slightly, this does not factor in the potential consequence of the recent ILAC inspection.

3.2 As already stated, 10-15 year olds comprise the largest group of children looked after. 40% of children aged 10 years and older, have been in care for 5

or more years. This suggests that more work needs to be done towards reunifying these children back to the care of their families.

- 3.3 Placement stability levels are on the whole good other than for a minority of children who are likely to be our Most Complex Children.
- 3.4 The shift towards older children coming into care and the overall increase in complexity of need makes this an opportune moment to take a longer term strategic look at how the care system in Medway intends to address the changing need. This report recommends Medway plans its sufficiency needs over a 5 year strategic period. There should be a detailed action plan in place to ensure sufficiency needs are reviewed and actions refreshed annually.
- 3.5 The increase in complexity of support our children need has extreme repercussions for the health and care system. It also carries particular financial risks for Medway Council. The last year has seen an increase in the use of enhanced fostering placements over standard. This has raised the overall average weekly cost for external placements by 6.7%. This increase is a consequence of both older children coming into care and historic placement decisions that have resulted in spiralling needs for some young people.
- 3.6 The scope of the Sufficiency Report does not currently include or consider the population of children with EHCPs or SEN. We recommend this approach forms part of the 5 year strategy to ensure there is a full picture of Sufficiency.
- 3.7 Commissioning intentions are also listed at the end of the report.

4. Risk management

- 4.1 The following represent the key risks to Medway Council's ability to deliver on its Sufficiency Duty.

Risk	Description	Action to avoid or mitigate risk	Risk rating
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 improve 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. Development of emergency, crisis or assessment provision to ensure need met.	2D (amber) Up from green

Risk	Description	Action to avoid or mitigate risk	Risk rating
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 process. Work with partners to ensure that robust placement matching is undertaken.	3C (amber) Down from red
There is a risk that the lack of local provision of foster carers impacts negatively on our ability to source placements	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.	B3 (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.	C3 (amber)

5. Children and Young People Overview and Scrutiny Committee – 9 January 2020

- 5.1 The Children and Young People Overview and Scrutiny Committee considered the Sufficiency Report at its meeting on 9 January 2020 and the minute of that discussion is as follows:
- 5.2 The Partnership Commissioning Programme Lead for Looked After Children introduced the report which provided the Committee with the annual refresh of the Statutory Sufficiency Report, which detailed how the Council, working with partners, would meet placement needs to current and future children in care and care leavers. She explained that the number of children and young people in care was stable but there had been an increase in the number requiring complex or bespoke care packages due to additional needs.

- 5.3 The Committee welcomed the detail in the report which included case studies that helped Members understand the complexity of the issues and noted the report.

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 placements (including 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 there are a significant number of actual or potential financial pressure areas are apparent:

- There is a continued significant rise in the numbers of older children coming in to care.
- There is insufficient movement to reunify children with their families
- Continued need for costly parent and child placements for extended periods of time.
- Reduced amounts of adoptive families currently available resulting in more long term fostering placements required
- A continued cost pressure in the area of alternative education provision
- there is continued increase in the numbers of young people qualifying for care leavers support
- there is a rise in the requirement for secure or bespoke packages (the most expensive) needed for a very few very complex young people.

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 recommended to consider and note the comments of the Children and Young People Overview and Scrutiny Committee, as set out in section 5 of the report.
- 9.2 The Cabinet is recommended to note the 2019/20 Sufficiency Report as set out in Appendix 1.
- 9.3 The Cabinet is recommended to instruct officers to develop a 5 year sufficiency strategy, to be accompanied by a detailed action plan ensuring sufficiency needs and actions are reviewed and refreshed annually, as detailed in section 3 above.

10. Suggested reason 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.
- 10.2 The shift towards older children coming into care and the overall increase in complexity of need makes this an opportune moment to take a longer term strategic look at how the care system in Medway intends to address the changing need.

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Appendices

Appendix 1 - The 2019/20 Sufficiency Report.

Background Papers

None.