

CABINET

2 FEBRUARY 2021

SUFFICIENCY REPORT 2020

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member)

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Summary

Each year we produce a Sufficiency Report in October/November which provides a comprehensive review of the support and care provided to children in care (CIC) and care leavers (CL), with reference to data which is made available at the end of September. Last year there was agreement to turn this annual report into a five year Strategy and this work has begun.

This report marks an interim year as we mobilise and embed initiatives needed as a matter of urgency to address the pressures created by the highest number of children in care Medway has seen. The work being undertaken will set the benchmark for the five year improvement plan and this report sets out our high level outcomes for the service. It outlines the early indications of the challenges and trends affecting our CIC and CL, sets out our priorities to address those challenges and recommends our proposed programmes of work to deliver on those priorities.

As of 31 August 2020, there were 468 children in care (age 0-25) which represents a rate of 74 per 10,000 0-17 year olds and is the highest that Medway has ever seen. At November 2020 that has been brought down to 451 children (72 per 10,000).

This report was considered by the Children and Young People Overview and Scrutiny Committee on 7 January 2021. The comments of this Committee are set out in section 4 of the report.

1. Budget and policy framework

1.1. The Outline Sufficiency Strategy, 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 underlying causes of the pressure on the children's social care budget are 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. The Sufficiency Strategy encapsulates the mitigation that needs to be put into place to address the fundamental factors leading to the overspend, whilst ensuring children receive appropriate care and support as 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. Last year's Sufficiency Report recommended that to continue to ensure sufficiency, a long-term strategy was required. This Outline is the first step towards that strategy and details the work that is being done.

3. Advice and analysis

3.1. The Outline Sufficiency Strategy has identified the following pressures, challenges and trends, which our priorities will seek to address:

- The number of CIC was until very recently increasing, remains very high, and may still increase again;

- The number of in-house foster carers is dropping, creating a greater need for Independent Fostering Agency (IFA) placements and external arrangements;
- The number of distant placements is increasing;
- The number of complex children and harder to place children is still increasing;
- The cost of placements is increasing.

3.2. We have identified the following priorities which will be delivered through our proposed programme of work:

- Seek to improve family resilience and the ability of families to care for their own children through early intervention;
- Reduce the need for repeated removals of children into care;
- Facilitate children safely returning home;
- Facilitate children leaving care to other permanent families;
- Improve the number of in-house foster carers in Medway and their capacity to take on more complex or hard to place children;
- Promote specialist high intensity support for complex CIC within Kent and Medway;
- Create time and space to assess the needs of CIC and ensure that placements and support meet those needs to avoid repeated breakdowns and escalating need;
- Improve the range and quality of accommodation for our care leavers within Medway.

3.3. We have identified five high level outcomes, which our priorities will seek to achieve:

1. Safely reduce the number of CIC, through prevention, reunification or leaving care to other permanent families
2. Meet the needs of our CIC and provide the best environment in which they can thrive
3. De-escalate the needs of our CIC, wherever possible
4. Increase the number of CL who are equipped for adulthood
5. Sustainably reduce Medway Council's expenditure

3.4. Below, we have outlined a number of programmes we feel, if delivered, will improve outcomes for children but also reduce financial costs to Medway Council. Together with responding to the Covid crisis and responding to the significant pressure of the highest numbers of children in care that Medway Council has seen, embedding these services has been the priority.

3.4.1. Edge of Care / Adolescent Service (Priority 1)

Medway Council recognises the importance of developing a service to support children and young people on the 'edge of care'. These are children for whom entry into care is being considered by the local authority, either on a voluntary basis or through legal proceedings. The term 'edge of care' has become understood as referring to children and young people who are at risk of entering the care system but where assessment has indicated that with

delivery of the right intervention at the right time, care can be avoided without compromising the safety of the child. Financially, intensive work undertaken with high risk and high cost young people has enabled children to remain with their families when residential placements had been identified.

3.4.2. In-house Foster Carers (Priority 2).

It is clear that the package of support offered to foster carers is the most important factor both for families who are considering becoming foster carers and for those who are considering switching from IFA provision. We have therefore developed as an option within the Strategy in Appendix 1, an enhanced package of support which includes support to birth children, out of hours support, training and induction, timely assessments and therapeutic support for the placement. This package must be underpinned by a strong team of supervising social workers with manageable caseloads who can provide the support needed to retain, develop and upskill the families into therapeutic foster carers.

3.4.3. Reunification (Priority 3)

When young people and families are struggling to resolve issues on the edge of care, or children in care are experiencing repeated placement breakdowns, there is an opportunity to properly assess the needs of the child / young person and put in place interventions which can have a dramatic positive impact on their life journey. Where placement breakdowns do arise, another placement must be found as a matter of urgency, often at higher cost¹. This can give rise to a vicious circle, with hastily arranged alternative placements failing to fully address the needs of the child and carrying an increased risk of placement breakdown. Assessment placements provide an opportunity to break this cycle by creating time and space for assessments to be undertaken and for appropriate focussed interventions to be put in place. This can present opportunities for reunification or for enhanced placement plans to be developed which improve the chances that a well-matched care placement can be found.

Medway Council has developed an options appraisal for delivery of an Assessment Unit. This was considered by the Cabinet on 12 January 2021. The Cabinet agreed option 4b which includes plans to repurpose the building which had previously been used as its in-house residential unit (the Old Vic) for a year and a half, using that period to acquire and set up two alternative units (decision no.5/2021 refers). From these hubs, a provider could deliver assessment placements and intensive support for more complex children in care or on the edge of care with reunification the priority (in 16 weeks) or suitable ongoing placement decisions (example in foster care).

¹ Medway Council's Finance team cited an example of a residential placement which started in January 2019 (at a weekly cost of £2,107) but which broke down four times in quick succession with escalating costs each time (£4,000pw, £4,150pw, £4,500pw, £5,850pw).

3.4.4. Repeat removals (Priority 4)

Public Health has developed a proposal to stop repeat pregnancies but also to work towards the ability to potentially keep or regain a child in the future (if appropriate). This proposal envisages delivering interventions through a “team around the person” model, where a dedicated multi-disciplinary group of professionals work together intensively to support the woman/family aligned to a peer support model. In parallel, the team would work with other high risks groups to develop evidence of what drives the parents’ changes in behaviour (i) to enable them to keep their child and (ii) to decide to stop having children which are taken into care. These proposals are designed to improve the outcomes for these women, while substantially reducing the number of children coming into care and the costs associated with this.

3.4.5. Permanency planning (Priority 5)

The Ofsted report² noted that improvements were needed in “the effectiveness of managers’ formal permanence planning and decision-making at every point in the child’s journey.” We have therefore implemented plans to improve the tracking and oversight of permanence planning for looked after children to reduce drift and delay. This has included updating permanence procedures to more clearly set out when permanency planning should commence, relaunching the terms of reference for the permanency panel and monitoring evidence of timely permanency planning through monthly reporting. We now have 59% of children with their long-term fostering plan matched and confirmed (as at July 2020) up from 20% in May 2019³.

3.4.6. Pre-proceedings and family group conferencing (Priority 6)

In other local authorities there has been a significant push at the pre-proceedings stage to identify family members and friends who may be able to accommodate a child under a Special Guardianship Order, rather than that child being brought into care.

3.4.7. Adoption (Priority 7)

The Regional Adoption Agency (“RAA”) is now live as of November 2020 covering the region of Kent, Medway and Bexley. It is understood that the proportion of CIC with adoption plans is lower in Bexley. It is therefore hoped that the RAA’s larger pool of adoptive families will facilitate the adoption of more CIC in Medway.

3.5. Furthermore, there is substantial work being undertaken with colleagues in Housing and Adult Social Care to scope the need for different categories of accommodation, improve our ability to predict need, plan for accommodation and transition at different life stage, and develop a flexible menu of housing

² [Medway Children’s Services – Inspection of children’s social care services](#), July 2019, Ofsted

³ [Medway Children’s Services Improvement Plan \(Updated July 2020\)](#), Medway Council

options in Medway across all levels of need for care leavers and young people.

3.6. Underpinning all the above work is a need for improved data. Of the 44 actions listed in the Outline Sufficiency, eight are around the central need for improved data and analysis. Much of that work will be done over the next year allowing the five year Strategy to be based on robust analysis.

4. Children and Young People Overview and Scrutiny Committee – 7 January 2021

4.1. The Head of Partnership Commissioning, Resources and Youth Justice introduced the report which detailed the outline sufficiency strategy 2020-25, providing a comprehensive review of the support and care provided to children in care and care leavers and how Medway could meet the demand and improve outcomes for children and young people.

4.2. Members then raised a number of questions and comments, which included:

4.2.1. **Balance of cost against outcomes** – comment was made that there was too much emphasis on reducing costs, which was understood and recognised as an important factor but needed to be balanced against improved outcomes for children and young people. Officers confirmed that achieving the best outcomes for children and young people was paramount.

4.2.2. **Retention in foster carers** – concern was raised about the retention of foster carers and how this was being addressed. Officers confirmed that the whole package for foster carers in terms of pay, benefits, training, development and support was being reviewed to address this issue.

4.2.3. **Residential and out of area placements** – Officers confirmed that Medway residential provision was always a last resort for children as they were best placed within a family setting. Equally, senior officers met regularly to monitor and review Medway children in high cost out of area placements.

4.2.4. **Repeat removals project** – in response to a request for more information, officers explained that addressing repeat removals was a key focus for Medway and that Medway was looking at developing a team around the person approach. Officers wanted to put a comprehensive programme together and had identified three cohorts of women that this would target; those at risk of having multiple children taken away (for example because of a presence of substance mis-use, domestic abuse, history of trauma), those pregnant women currently in the social care process and at risk of having their unborn baby removed and those that have had their baby removed. It was highlighted that there would need to be a strong mental health support element to this programme, with bespoke therapeutic work for these women. The projected savings for the project, set out at figure 34 of the report, were queried, particularly in relation to the reduction in cost of

the project in years 3 and 4, and how additional families would be supported in these years, given the reduced figure. Officers explained that recommissioning of services within years 1 and 2 of the project would enable the support to be embedded within new contracts to reduce the project cost, plus taking into account savings of children that would otherwise have been taken into care.

- 4.2.5. **Strengths and difficulties questionnaire (SDQ)** – concern was raised in relation to the SDQ results which demonstrated Medway had a higher than average cohort of children in care who have SDQ scores which are “a cause for concern”. Officers confirmed this was an area of focus and extra analysis was being undertaken to see if there had been improvement when comparing the data with the previous year.
- 4.2.6. **Responsibility for Special Guardianship Order** – in response to a question about why the Regional Adoption Agency (RAA) does not cover Special Guardianship Order placements, officers confirmed that it was felt that the RAA needed time to fully establish itself and in addition, there was a recognition that work relating to SGO placements were often locally based.
- 4.2.7. **Fostering to adopt** – concern was raised about fostering to adopt which it was felt put a lot of pressure on foster carers. Officers understood the concerns but explained that permanency for the child/children was always the key focus.
- 4.2.8. **Placements for difficult to place children** – reference was made to the more difficult to place children, such as larger sibling groups, older children and those with complex needs, which often were placed with Independent Fostering Agencies. Officers explained that for larger families this reflected national picture of few foster carers being willing to take large sibling groups and there was always a determination to place sibling groups together when safe to do so.
- 4.2.9. **Impact of Covid-19** – officers confirmed that there had been some real challenges because of the pandemic, particularly for placements of children with complex need. Breakdowns had however been minimal and this was continuing to be monitored carefully to ensure families and children were supported where needed.
- 4.2.10. **Reduction in Early Help cases** – concern was raised in regard to the fall in families receiving early help support, as detailed at figure 35 of the report, which demonstrated a 50% reduction between August 2019 and August 2020. Officers explained that this was determined by the threshold and for some families it would have been because they met a different threshold of support that was required. With a renewed look at cases and threshold some of the decline would have been due to a clean up of Early Help figures.

4.3. The Committee noted the report and recommended it to the Cabinet for approval.

5. Risk management

5.1. 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
Delay	There is a risk that the identified projects might not move at pace	Implementation plan in development to be present to CP board	Low
Derailment	There is a risk that activity at national level might affect plans	Maintain communication with national channels Work with providers	Low
Financial	There is a risk that funding might not be found for all projects	Work closely with finance and performance colleagues to monitor and control costs.	Low / medium

5.2. In addition, there are individual risks to all component projects, which will be considered under the development of each project.

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 being taken to ensure that children in care, leaving care and on the edge of 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 sourced 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.

7.2. There are significant number of areas creating actual or potential financial pressure areas:

- The continued increase in the numbers of older children coming in to care with higher than average placement costs.

- The rise in a requirement for secure, residential or bespoke packages (the most expensive) needed for complex young people.
- The 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.
- There is continued increase in the numbers of young people qualifying for care leavers support.

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 in 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, 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 at section 4 of the report.
- 9.2. The Cabinet is asked to approve the Sufficiency Report as set out in Appendix 1 to the report.

10. Suggested reasons for decision

- 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 and meet the demand.

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Appendices

Appendix 1 – Medway Council’s Outline Sufficiency Strategy 2020-2025.

Background papers

None.