

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

2 MARCH 2023

CHILDRENS SOCIAL CARE SUFFICIENCY STRATEGY 2023-2025

Report from: Donna Marriott, Assistant Director Children's Social Care
James Williams, Director of Public Health

Author: James Harman, Head of Children's Commissioning

Summary

This report asks Overview and Scrutiny Committee to consider Medway's Sufficiency Strategy 2023-2025 – 'A place called home'. The strategy details how Medway Council as the corporate parent will provide and commission the right care and support for children in our care (CiC) and care experienced young people that best meets their needs. Central to enabling this is that we can provide enough places that our children can call home, with the right love, care and support wrapped around them.

1. Budget and policy framework

- 1.1. All Local Authorities (LAs) are required to take steps that secure, as far as reasonably practicable, sufficient accommodation and support within their local area which meets the needs of children and young people that the local authority is looking after, and those who have recently left care at the age 18.
- 1.2. The sufficiency strategy is at the heart of creating a financially sustainable children's service. It requires a strategic commitment to shifting the emphasis to how we support our families to preventative, with interventions and a way of working that manages demand for services and shaping the market to provide sufficient accommodation and support.

2. Background

- 2.1 In Medway we are ambitious for our children. We want them to live with their families wherever possible, with the right support in place to make their childhood's successful and happy. Where that is not possible, it is critical that we have the right services and support in place to care for those children, and to ensure that they grow up in supportive homes where their needs are met, and which promote their outcomes. For our care leavers, we want more young people to move to homes which are most suited to them, and find suitable places to

live after leaving care. Ensuring that we have sufficient services and homes to meet children's and young people's needs is critical to meeting those objectives.

3. Advice and analysis

- 3.1 The Sufficiency Strategy, set out at Appendix A to the report, outlines the demand for children's services and highlights the trends and challenges that Medway faces.
- 3.2 The challenges in Medway include more children coming into our care at a later age and more children coming into our care with additional support needs. Other neighbouring authorities placing in children in Medway draw heavily on availability of homes for children in the local area, and impacts on finding enough places for children to call home. Consequently, a high number of children in our care are living outside the local boundary (34% living more than 20 miles away from their home address).
- 3.3 Some of the challenges faced by Medway in meeting its sufficiency duty are recognised nationally as an issue, i.e., more children requiring specialist support, a lack of foster carers leading to a growth in use of residential homes, and instability in the placement market. The challenges LAs face to provide the right homes for children in care at an affordable price are becoming ever greater.
- 3.4 In response to the challenges identified, over the past 2 years, the Council agreed a significant investment to drive forward proposals to develop a range of preventative and support interventions and to create a stronger more visible presence with providers to shape the market and provide more local places that our children can call home.
- 3.5 The sufficiency priorities and key actions to be taken over the next 3 years are set out in the strategy around four foundation themes:
 - Supporting families – supporting more children to safely remain in the care of their parents.
 - A place called home – more children in our care living in family homes in Medway.
 - Promoting stability – Individual children's needs are supported at the right time in a stable and caring environment.
 - Moving forward – ensuring our care leavers find suitable places to live.
- 3.6 The government commissioned 'Independent Review of Children's Social Care' and the HM Government implementation strategy, will have significant implications for commissioning of placement provision within the lifetime of this strategy. The service and commissioning will continue to strive to achieve the best outcomes for our children and families as we navigate the change.
- 3.7 The progress of this strategy will be monitored and tracked by the Children's Services Management Team led by the Assistant Director of Children's Social Care as a key programme within the improvement plan. The Strategy will have an annual review of progress.

3.8 A Diversity Impact Assessment has been completed and is set out at Appendix 2 to the report. It is anticipated that the Strategy will advance equality as the aim of the Strategy is to improve outcomes for all children in our care. [\(to follow\)](#)

4. Risk management

4.1 The key risks for the strategy are as follows:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Strategic direction changes	National review of children's social care impact direction of strategy.	Senior level contact with regional and national bodies to manage impact and navigate any changes. Strategy has been aligned with government response to Independent Review.	D2
Financial risks	Risk that individual commissioning intentions cannot be met	Development of appropriate business cases.	C2

Likelihood	Impact:
Very high B High C Significant D Low E Very low F Almost impossible	1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible

5. Consultation

5.1 The strategy has been developed with council officers across Children's Services and Children's commissioning. Children and young people have been consulted. Consideration of the draft strategy by the Children's Overview and Scrutiny committee forms part of the consultation.

6. Climate change implications

6.1 There are no implications as a direct result of the recommendations of this report.

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.
- 7.2 The sufficiency challenges outline in section 3.2 and 3.3 above will have or have the potential to create significant financial pressures. The sufficiency priorities outlined in section 3.5 are designed to help mitigate or reduce the potential financial pressures from arising or escalating.
- 7.3 The priority actions outlined in the strategy, if requiring additional funding over and above the budget to implement, will be the subject to the normal governance processes.

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 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 Children Act 1989.
- 8.3 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.
- 8.4 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.
- 8.5 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.

8.6 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 Committee is asked to consider the 2023/25 Sufficiency Report as set out in Appendix 1 of the report and refer any specific comments to the Cabinet for further consideration.

Lead officer contact

Donna Marriott, Assistant Director, Children's Social Care,
Donna.Marriott@Medway.gov.uk, Tel: 01634 331205

James Harman, Head of Children's Commissioning,
James.Harman@Medway.gov.uk, Tel: 01634 331384

Appendices

Appendix 1 – Medway Draft Sufficiency Strategy 2023-2025
Appendix 2 – Diversity Impact Assessment (to follow)

Background papers

None.