

Health and Wellbeing Board

5 September 2024

Regulatory Update and Impact of Children being placed in Medway by other Local Authorities

Portfolio Holder: Councillor Adam Price, Portfolio Holder for Children’s Services (including statutory responsibility)

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Summary

This report will update the Board on the impact and challenges partners and services face in Medway by having many children and young people placed in Medway by other local authorities. It will also update on changes in regulations to Supported Accommodation that come into effect from October 2024.

1. Recommendations

- 1.1 The Health and Wellbeing Board Members are requested to:
- note the findings of the report
 - consider the impact on their respective services.
 - commit to share data to further inform the picture and overall impact.
 - consider collaborative approaches to address the impact of the increase in young people being placed in Medway in significant numbers.

2. Budget and policy framework

- 2.1 Medway Sufficiency Strategy 2023-25 “A place called home” has the overarching ambition and commitment to as many children and young people being placed in the local area as possible and where safe to do so.
- 2.2 Most of the local policy documents and strategic plans also focus on ensuring our most vulnerable young people are supported locally and given the best chance in life. This includes but not exhaustive to Medway’s People Strategy, Medway’s Children and Young People’s Plan, Child Friendly Medway and many others.

3. Background

- 3.1 The last 5 years have shown a decrease in Medway young people being placed within area whilst simultaneously there being an increase in independent provisions being set up attracting other local authorities placing in central Medway in increasing numbers, often in unsuitable or unregulated accommodation.
- 3.2 In 2024 we have seen an increase in complaints to the Council and other partners about anti-social behaviour (ASB) and other incidents happening in certain areas and streets in Medway. Our enquiries have identified the correlation with young people placed from out of area who are living in these provisions.
- 3.3 As of July 2024 Medway have 398 young people who have been placed in the area who are looked after by other local authorities, that we have been formally notified of. Working with our partners and linked to local intelligence, we surmise that there are another 5% of young people placed in Medway that we have not formally been notified of.
- 3.4 Medway currently have 182/486 of our own children in care arrangements in Medway which is just under 37.5%. The figure for children placed into Medway is over double the amount of children Medway have placed within our own local authority.
- 3.5 From June 2023 Medway are now part of the National Transfer Scheme (NTS) and currently have 35 unaccompanied asylum seeking children (UASC) who we care for. Medway's allocation is 65 and at current rates of dispersal this figure (15% of our children in care cohort increase) will likely be met in the next 12 months pushing the CiC cohort above 500.
- 3.6 A working group between Medway Council and Kent Police has been established over the past 9 months to start to look at the impact of this and to identify hotspots and pressure points.
- 3.7 Medway Children's Services are now a formal consultee for any applications coming forward for planning to allow for better awareness and engagement with proposed provisions for new properties being requested for caring for children (various). This will also maximise the use of intelligence around current contextual safeguarding concerns. This information is also to be shared wider across the system to gather intelligence.

4. Impact on Sufficiency and local services

- 4.1 Our partnership intelligence tell us that a majority of children placed in Medway are not evenly spread out but are within the Gillingham and Chatham areas which are areas of high deprivation and already have high density of vulnerable people, including vulnerable adults.

- 4.2 These are areas of increased serious youth violence, domestic abuse, neglect and County Lines activity and Kent Police are proactively supporting intensive work in these areas and are sharing data with us.
- 4.3 With such a volume of young people placed within a small geographical area, with the associated risks that come with that, means that we have seen community issues raised via different channels for these areas. These have been aligned to ASB, drug and alcohol use, poor standards of care, unsuitable accommodation standards and links to other high-risk adults who also maybe living in the area.
- 4.4 We are clear that just because a child is in care it does not equate to causing or being involved in these issues, but it does increase their vulnerability to risks in those communities, particularly if the accommodation they are in is substandard and the support they are getting is insufficient or below par. It also has an impact on some availability good quality provision meaning increasingly having to place our young people out of Medway away from our local services and support and often away from any family and support networks they have. By placing young people in other Local Authority areas, we too are adding to sufficiency issues for those Local Authorities.
- 4.5 We recognise that there are often valid reasons for young people needing to be placed out of area. These could include involvement in County Lines, threats caused by family and local communities. But this are the minority rather than the majority.
- 4.6 The breakdown of ages is as follows:

Age group	Number of children placed in Medway
0	10
1-4	28
5-9	63
10-15	119
16-18	180

- 4.7 The breakdown of which authorities have placed young people is as follows (Top 5 only shown)

Area	Count
London Boroughs (Combined)	171
Kent County Council	119
Surrey County Council	11
Thurrock Council	11
East Sussex	6

4.8 It is not just sufficiency of placements that is impacted by young people being placed in Medway but increasing numbers involves virtually all of the services that are represented at Health and Wellbeing Board.

- Police - A high percentage (46%) of young people that are placed in Medway by local authorities are 16+ and a number have been identified by services to have links or involved with the anti-social behaviour.
- Education - There are already significant pressures in education in Medway by having such a young and growing population and having 400+ young people needing school or college places means that it places additional strain on our schools and colleges and impact availability for Medway families.
- Mental Health Services - If a child or young person is placed in Medway they are entitled to access our local NELFT services, there is already significant pressure on these services and clearly impacts the demands on services and waiting times.
- Primary Care - All of these young people should be registered with a GP Practice meaning 398 additional registrations for primary care in a concentrated central Medway Area.
- Hospital Services - Whilst data is currently not available there is likely to be an increased demand on acute services including A&E as a result of these placements. This is an area we would like to explore further with our partners to understand the need.
- Housing - Not just our sufficiency for under 18's is significantly impacted but if a young person is in Medway for more than 6 months they are entitled to go onto our housing lists for post 18 meaning significant demand increase for housing.

5. Our duties in Children's Social care

- 5.1. This responsibility sits with the placing local authority or the regulator. However, if there are any incidents that require a statutory response e.g. abuse has taken place, a child is reported missing then we have a duty to respond to ensure any child is safe.
- 5.2. In Medway we have a robust Quality Assurance Framework, which was recognised by Ofsted in recent inspections as being a strength. This framework oversees all providers we have children with and is very detailed and robust and works alongside Ofsted and CQC Frameworks where applicable. We also have a significant embargoed list of providers that after extensive work we believe are not currently suitable for us to place our young people with. Many of these providers are used by other local authorities despite the standards of care they offer. In Medway we continue to hold the line with where and with whom we place the children we care for and never accepting care arrangements that do not meet children's needs or keep them safe from harm.
- 5.3. The Children's Social Care National Framework⁹, published in 2023, provides us with the statutory guidance that sets out the purpose of children's social care as existing to support children and families, to protect children by

intervening decisively when they are at risk of harm and to provide care for those who need it, so they grow up and thrive with safety, stability, and love.

- 5.4. We are committed to a shared responsibility recognising that successful outcomes for children depend on strong partnership working between parents/carers and the practitioners working with them.

6. Legislative Changes

- 6.1 In April 2023, it became law that supported accommodation providers would be regulated under new mandatory quality standards and guidance. Previously there was no regulator for supported accommodation and supported lodgings. Providers had until the 27th October 2023 to submit their registration request to Ofsted. Placements with a provider who had failed to do so were then deemed unregulated. Key points of the regulation are that all services require a registered manager and will be subject to inspection at least every 3 years. Providers are also required to have a standard set of policies and procedures that cover areas such as safeguarding and safer recruitment. Prior to the Ofsted registration process Medway Council has always operated a robust quality assurance process with providers. There is little under the new regulation that had not been previously covered by the quality insurance team. Historically, Medway did not place with providers who had not been subject to a quality assurance visit and compliance review.
- 6.2 Unfortunately, Ofsted has not had capacity to respond to the volume of registrations. Providers will submit an application, receiving a reference number. Usually within 8-12 weeks Ofsted will respond confirming receipt of their application and provide a unique reference number (URN). Providers cannot be registered until they have been inspected. Wait times for inspections are in the region of 12-14 months from receipt of URN. This has put significant financial pressure on providers, who in addition to the cost of submitting the application (£4000) have had to employ a registered manager (in the region of £70k including on costs). The fact that this expenditure gives no guarantee of passing the registration process has caused significant concern across the market with several providers with drawing from the market.
- 6.3 Medway Council launched its own Supported Accommodation DPS in early 2023. Response from the provider market has been good with over 100 providers currently registered. However, a number of these providers will be temporarily suspended from the framework in the next 3 months for failing to complete the initial registration process. This regulation should help Local Authorities in the long term as it will make a clear distinction between a legal and illegal placement and provider, that said it could take several years to fully regulate providers given volumes of applications and reapplications.

7. Advice and analysis

- 7.1 The balance between our own young people using local placements and young people from other areas has now reached a critical level and is

impacting the wider system in Medway and is disproportionate for an authority and geographical size of Medway.

- 7.2 Children are mostly being placed in central Medway, often areas of high deprivation and crime, and often many on the same or adjoining streets. This increases the risk for the young people being placed due to existing challenges in some of these communities.
 - 7.3 A significant amount of provisions being used by other LAs are not approved providers or registered provision therefore care standards are not being monitored or quality assured effectively by the placing authorities. It also means Medway young people sometimes have to be placed out of area as there is also some good quality sufficiency being used by other authorities.
 - 7.4 Improvements are being made in internal communication and better linkages through our Contextual Safeguarding strategy, Community Safety Partnership, Children's LADO, Commissioning, Medway Safeguarding Children Partnership and Strategic Leaders.
 - 7.5 The challenges are not just around placements but the additional strain that this influx of young people puts on the wider system in Medway, when we already have a younger than average population. Health services such as CAMHS, primary care and hospital services are having additional strain, there are clear links via our Youth Justice team to a number of these young people being actively involved in criminality locally and being exposed to significant risks.
8. Climate change implications
 - 8.1 [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.
 - 8.2 With nearly 500 young people placed in Medway it means that there will be significant travel in and out of Medway from professionals from other areas therefore likely increase road use and the associated environmental impacts that this brings.
9. Financial implications
 - 9.1 The financial implications of such a high volume of young people being placed in Medway has significant financial implications for all Public Sector Services. The financial implications cannot currently be quantified but could be a consideration of the Board moving forward.
10. Legal implications
 - 10.1 The legal implications are set out in the body of this report.

11 Conclusions

- 11.1 The wider pressure on our hospitals and other services that your children need to access, means that they are not always receiving the care and support that they need. Many of the provisions Local Authorities to place their children in are providers that we do not work with or who are embargoed as we do not believe them to be good enough for children, often not safe and increasing the risk to already vulnerable children.
- 11.2 Partners in Medway need to work together to better understand the impact of this inward migration and highlight these risks and challenges to other local authorities to ensure vulnerable young people are not placed in unsuitable accommodation or in areas that may have presenting risks.

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Appendices

None

Background papers

None