

**SCHOOLS CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY
PANEL**

29th OCTOBER, 2012

**SCHOOLS CHILDREN AND YOUNG PEOPLE OVERSPEND – OUT OF
AUTHORITY PLACEMENTS**

PRESENT:

Councillors:

Hilary McNamee, Rachel Hodson, Tracey Leyland-Jepson and Sue Wilkinson

Officers:

Vicki Lawson, Assistant Director, Children and Families
Louise Parker, Policy and Performance Manager
Allan Madeley, Senior Procurement Category Manager
Debbie Kelly, Senior Finance Officer

Aim of the meeting:

To understand the costs associated with out of authority placements of children in care.

Focus of discussion:

1. Factors that influence having to place a child out of authority.
2. Opportunities to safely reduce reliance on external placements.
3. Procurement processes – possible savings.

Discussion

Factors that influence having to place a child out of authority

Councillors were given a verbal outline of the background to children who require to be placed out of authority and the possible circumstances that call for this action to be taken.

Members learn that:-

A child can be taken into care from birth to 17 years old, but could be up to 18 if that child is undertaking further education, which the Local Authority is required to fund.

Out of Authority is generally thought as out of the geographical area but it is also services required that are out of the Authority's service provision.

In Doncaster there had been a legacy of children/young people being cared for out of authority and have therefore been in placements for a considerable amount of time. In some cases the children/young people have not had any link with Doncaster since leaving, which in turn has caused difficulties returning to the area.

Historically, in some cases the length of an out of authority placement had not been reviewed or addressed, they had just continued to exist.

Options when there is a need to place a child in care:

1. Placement with family or friend.
2. In house foster care.
3. Independent foster agency placement.
4. Residential placement – children’s unit
5. Non local authority placement

Members stressed that they understood that each child/young person had individual needs and bearing this in mind addressed the reasons why children are sometimes required to be placed out of authority.

- a. No in house provision.
- b. No independent foster carers.
- c. Struggling to meet the needs of the child if the components they required were not available from the local authority. For example, a child may have committed sexual offences and need specialist assistance that the Council could not provide.
- d. Not able to meet the needs of children requiring special educational needs.
- e. Court Judges can make an order that requires a child/young person to be placed out of authority.

Placement Availability - In the Doncaster area provision was low and does not always meet the mixture of children’s needs. Officers explained that this was something they were currently investigating. It was stressed that placing a child is always dependent on availability on the day, circumstances and what matches the child’s/young person’s needs.

Process to achieve a Placement – It was explained that the Authority has to follow statutory guidance called the Sufficiency Statement, which is securing sufficient accommodation for looked after children. The details of this statement are attached at Appendix A.

Head of Service for Children in Care – A permanent appointment had now been made and was due to commence post within the next month.

Moving a child/young person from out of authority placements - At certain key stages a child cannot be removed from their placement, for example when a child/young person is settled during a school year. To move a child/young person required much dialogue with the Independent Reviewing Officer and child’s/young person’s support team to ensure they are appropriately and at the appropriate time.

Workforce Culture - Recognising that when a child has been placed out of Authority may not be the permanent solution was an issue that needs to be embedded into the workforce culture. This is something that the Service struggles with, particularly when a child/young person is particularly happy in their out of authority placement, but is an area that is currently being addressed. Transition plans for children/young people are very important and must be well structured.

Disadvantages to a child/young person being placed in out of authority placements, a good distance from Doncaster Borough included:

- Network of people/services/support team too far away and a risk that services may be weakened;
- Number of visits made by social worker, they cannot just pop round to see a child/young person;
- Can take a full day out of a social workers week – travel time and associated costs.

Geographical partnership working - Members questioned whether geographical partnership working was available for children and young people for example, a social worker being made available from the local authority where a child/young person was placed. This is something that councillors suggested they may wish to be considered and investigate whether it was appropriate, practical and could be a cost saving.

Education – If a child lives out of authority but in neighbouring districts, e.g. Wakefield or Rotherham areas, sometimes it is in the child's/young persons best interest to remain at their Doncaster school for continuity purposes. Sometimes there are challenging and difficult reasons that means it is more appropriate for a child to remain in their Doncaster school.

Foster Carers – There has been recent recruitment in Doncaster but availability has already been soaked up by the increase of children taken into care. It was noted that foster carers were generally more interested in caring for babies and younger children and it becomes more challenging to place young people when they reach adolescence.

The children in care teams would always look to ensure that the placement is family based and permanent but again this was sometimes difficult when a child/young person has challenging needs.

Opportunities to safely reduce reliance on external placements

The need for additional placements in the Doncaster area was again acknowledged. It was noted that the Authority did not wish to lose capacity but look towards how it was being provided. Concern was expressed that placement supply locally was not meeting demand. This was a problem nationally, but Doncaster's demand was particularly high. It was also noted that in the country's north west there had always been an abundance of placements available.

Out of Authority Review Panel - In the information provided to Members, in addition to the Councils main stream residential homes, it showed Doncaster having 7 places available in 3 homes through external providers. 56 placements had been made out of authority from 1st October 2011 to 30th September, 2012 with a recent reduction to 48. Work was currently ongoing with 23 further out of authority cases. It was hoped that if this work with the children/young people was successful reducing out of authority placements by a further 23 cases would greatly reduce and hopefully balance the budget. If this was not achieved the budget would continue to overspend.

This work was being undertaken internally by an Out of Authority review panel, established 4 months ago, chaired by the Head of children in Care and included representatives for example, from health, social workers and education. This group was looking at how to safely transit a child/young person to the next step for example how to reintegrate a young person into the Doncaster community or to independent living in the area.

The influence parents have whether a child is placed out of authority was addressed. Contact with parents was polarised from nothing to parents being involved with every step for their child.

Procurement Processes and possible savings

Members understood from discussion the many reasons why there was a large overspend but stressed that it was costing the Authority too much.

Costs of out of authority placements and independent foster care compared to other local authorities were presented to the group. In simple terms it detailed that on average Doncaster was being charged more than neighbouring authorities.

Members were updated on the ongoing procurement process to reduce costs of out of authority residential placements and figures agreed as part of the new White Rose Framework for independent foster care placements. The information detailed potential savings that could be achieved.

The contract was for a 2 year period with a further 2 year extension with placements being moved onto the contracts gradually.

External providers would always be welcomed to provide additional care in the Doncaster area which could result in potential savings. Successful private providers, who understand and have good relationships with communities, generally have a strong track record of priorities for and understanding of young people. Members were reminded that the local authority could not choose the providers to established care facilities in Doncaster, but when they are proposed could sometimes meet with resistance from communities. Members expressed concern that more consultation with private providers and ward Members was required, to avoid misunderstandings, when companies are looking to increase provision in the area.

Other issues to note

The group noted that when children and young people are remanded into the care of the local authority, the Council now has to bear the costs, not the Youth Justice Board. This was a possible additional budget cost that was difficult to plan for.

There was both a local and national increase of children in care, however, the number in Doncaster had recently stabilised by the use of Children Multi-agency Referral and Assessment Service (CAMAHS) and children/young people on Child Protection Plans.

It was recognised that there had been national increase in children and young people:-

- being sexually exploited;
- trafficked from abroad for example, for production of cannabis rings; and
- Honour based violence.

It was a reality that some children/young people in residential care homes do not have any visitors and were reliant on volunteers to visit, spend time and take them out.

Agreed that:

1. The discussion be noted and presented to the Schools Children and Young People Scrutiny Panel on 26th November, and possible recommendations be discussed at 11.30am prior to this meeting.
2. Officers provide the following information to the Schools Children and Young People Scrutiny Panel on 26th November.
 - Statistics, examples and reasons of children being placed out of authority between 29th October, and 26th November, 2012 meeting – Vicki Lawson and Louise Parker.
 - To address whether Doncaster is an anomaly or more or less the same as the national picture further current and historical statistics be provided on safeguarding pressure. The data on the numbers of children in care and those placed out of authority in Doncaster compared to national data.
 - Residential Care Development update – Allan Madeley.

5.1.4 Local Authority's Sufficiency Duty - Accommodation for Looked After Children

RELATED GUIDANCE

[Sufficiency: Statutory Guidance on Securing Sufficient Accommodation for Looked After Children \(2010\)](#)

Contents

1. [What is the Sufficiency Duty?](#)
2. [The Most Appropriate Placement](#)
3. [How can 'Reasonably Practicable' be Assessed?](#)

1. What is the Sufficiency Duty?

Each Local Authority providing children's services must now take steps that secure, so far as reasonably practicable, sufficient accommodation within its area to meet the needs of children that it is looking after and children whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation in the local authority area. This is referred to as 'the sufficiency duty'.

The sufficiency duty, therefore, applies in respect of all children who are **Looked After**. However, it also applies to **Children in Need** who are at risk of care or custody (sometimes referred to as children 'on the edge of care'). This acknowledges the importance - both for improving outcomes for children and in having sufficient accommodation to meet their needs - of taking earlier, preventive action to support children and families so that fewer children become Looked After.

From April 2010, local authorities had to include in relevant commissioning strategies their plans for meeting the sufficiency duty.

From April 2011, working with their Children's Trust partners, local authorities must be in a position to carry out the sufficiency duty.

2. The Most Appropriate Placement

Children should not be moved from out of authority placements for the sole purpose of meeting the sufficiency duty if their needs are being met by the existing range of services.

The overriding factor is that the placement must be the most appropriate placement available. Next, preference must be given to a placement with a friend, relative or other person connected with the child and who is a local authority foster carer. Failing that, a placement must be found, so far as reasonably practicable in all circumstances, that:

- Is near the child's home;
- Does not disrupt his/her education or training;
- Enables the child to live with an accommodated sibling;
- Where the child is disabled, is suitable to meet the needs of that child; and
- Is within the local authority's area, unless that is not reasonably practicable.

There is no order of priority within the categories listed in the bullet points above. All of these are factors that have to be taken into account. For example, if placing a child within his/her area conflicted with placing him or her near home or with a sibling, or which disrupted his/her education, the local authority could justifiably placing the child out of area if this met his/her needs more effectively than a placement within the area.

For the majority of Looked After children, the 'most appropriate placement' will be within the local authority area. For those children who require highly specialist services, or children for whom there is a safeguarding issue, it may be more appropriate for them to be placed in a neighbouring local authority area.

When making decisions about the most appropriate placements for children requiring more specialised provision, the issue of proximity to the home area must be considered, alongside the other factors set above. Wherever possible, children

requiring such provision should be placed as close to their existing family networks and support systems as is possible and appropriate.

If challenged by a child, family, social worker, [Children's Guardian](#), [Independent Reviewing Officer](#) (IRO) or other advocate, a local authority should be in a position to demonstrate how, working with its Children Trust partners, it has done all that is reasonably practicable to secure sufficiency. Plans should be documented and published, within the commissioning strategy or the Children and Young People's Plan, to allow scrutiny and challenge.

3. How can 'Reasonably Practicable' be Assessed?

The sufficiency duty is a general duty that applies to strategic arrangements rather than to the provision of accommodation for a particular, individual child. Local authorities must be able to show that - at strategic level - they are taking steps to meet the sufficiency duty, so far as is 'reasonably practicable'

It should not be assumed that it is 'not reasonably practicable' to secure appropriate accommodation simply because it is difficult to do so or because the authority does not have the resources to do so. Any constraining factors should not be taken as permanent constraints on the local authority's requirements to comply with the sufficiency duty.

In assessing whether they are doing all that is 'reasonably practicable' to secure sufficiency, there are a number of factors which local authorities, working with their Children's Trust partners, may wish to take into account, for example:

- Current progress within an effective, phased programme to meet the sufficiency duty;
- The number of children for whom a local placement is not consistent with their needs and welfare;
- The extent to which local universal services meet needs;
- The state of the local market for accommodation, including the level of demand in a particular locality and the amount and type of supply that currently exists;
- The degree to which they are actively managing this market;

- The resources available to, and capabilities of, accommodation providers (where 'resources' means not just the available funding but also staff and premises, and 'capabilities' includes experience and expertise); and

The Children's Trust's resources, capabilities and overall budget priorities

SCOPING DOCUMENT FOR SCRUTINY REVIEW

GENERAL INFORMATION

Title of Scrutiny Review	SCHOOLS CHILDREN AND YOUNG PEOPLE OVERSPEND
Membership of the Sub Group	Councillors: Hilary McNamee Rachel Hodson Andrew Bosmans Tracey Leyland-Jepson Sue Wilkinson
Lead Member (from Relevant Overview and Scrutiny Committee/ Panel)	Councillor McNamee – Chair of the meeting and SCYP Scrutiny Panel
Co-options/Invitees	None for this review
Relevant Executive Councillor(s)	Councillor Eric Tatton-Kelly, Cabinet Member for Children and Young People
Lead Officer(s) from Theme Area	Chris Pratt, Director of Children and Young People's Service. Vicki Lawson, Assistant Director Children and Families. Allan Madeley, Senior Procurement Category Manager. Kathryn Black, Directorate Finance Manager. Debbie Kelly, Senior Finance Officer. Louise Parker, Policy and Performance Manager.
Scrutiny Officer	Christine Rothwell

TERMS OF REFERENCE

Purpose of the Review	To understand the costs associated with out of authority placements of children in care.
Main Lines of Enquiry	<ol style="list-style-type: none"> 1. Factors that influence having to place a child in care in out of authority placements; 2. Opportunities to safety reduce reliance on external placements; and 3. Procurement processes – possible savings.

ANTICIPATED OUTCOMES FROM THE REVIEW

Benefits of the Review	To understand and challenge the reasoning behind why the Children and Young people's Service Directorate has a large overspend for use of out of authority placements.
Contribution to performance indicators and/or current corporate priorities	To be a critical friend in relation to the current budget priorities and challenges facing the Children and Young People's Service Directorate.

RISKS AND IMPLICATIONS

Risks	The review needs to be timely to ensure it can provide some recommendations that will assist the Council and partners in responding to challenges faced.
Legal Implications	Any legal implications should be borne in mind during development of recommendations. Relevant implications will be considered during the course of the review.
Financial Implications	Any financial implications should be borne in mind during the development of recommendations. Relevant implications will be considered during the course of the review.
Resource Implications	It is envisaged there will not be any significant resource implications for the review. It is proposed the review will be undertaken with officers where evidence will be presented to the Overview and Scrutiny Members. Officers will need to give their time to attend the meetings, briefings and review of recommendations. The Scrutiny Officer will make the necessary meeting and support arrangements.

PROJECTED TIMESCALES

Date for Approval of Scoping Document by Scrutiny Committee/ Panel	Meeting of Schools Children and Young People Scrutiny Panel Chair, Vice Chair and Chief Executive 31 st August, 2012 Scoping Meeting 11 th September, 2012.
Dates of Task and Finish Group Meetings	29 th October, 2012. Update to be provided to Schools Children and Young People Scrutiny Panel 26 th November, 2012.
Date of Submission of Draft Final Report to Scrutiny Committee/ Panel	TBC
Date of Submission to the Executive or Executive Councillor	TBC