

Title of report: Placement Sufficiency Strategy for Children and Young People 2023 - 2028

Decision maker: Cabinet member children and young people

Decision Date: 23 August 2023

Report by: Corporate Director - Children & Young People

Corporate Director - Children & Young People

Senior Commissioning Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To adopt the Placement Sufficiency Strategy for Children and Young People, to ensure Herefordshire Council are compliant with section 22G of the Children Act 1989 ('the 1989 Act').

Recommendation(s)

That:

- (A) The Placement Sufficiency Strategy for Children and Young People 2023 - 2028 (Appendix 1) is approved.**
- (B) The programme of activity proposed in order to meet expected levels of demand for 2023 - 2028 and the development of a robust mechanism for delivery is endorsed (Appendix 2).**
- (C) The Corporate Director for Children and Young People be authorised to take all operational decisions necessary to implement the programme of activity within approved budgets.**

Alternative options

1. Continue with the 2019-2024 placement sufficiency strategy. This option is not recommended as the proposed 2023-2028 strategy has been informed by an updated needs analysis with priorities that are relevant to current and projected demand. A new strategy is required from April 2024.
2. Dispense with a placement sufficiency strategy. This option is not recommended, as it would place the council at risk of not meeting its statutory duties.

Key considerations

3. In developing the Placement Sufficiency Strategy for Children and Young People as set out in Appendix 1, the following have been considered:
 - a. Herefordshire Council's children's services has a duty to ensure sufficiency of provision i.e. to ensure we have access to the right services, at the right time, in order to fulfil our statutory duties
 - b. Placement sufficiency requires a mix of different arrangements to include but not limited to fostering, residential, supported accommodation and parent/child, that meet assessed need and promotes outcomes for those children who are looked after (CLA) and care leavers (CL).
 - c. Placement sufficiency will be determined by a range of factors to include demand across ages/complexity of need, impact of preventative and re-unification strategies, reputation and the market.
 - d. Research undertaken across the region and nationally point to a critical lack of sufficiency across the market and significant challenges in achieving an improved offer to children and young people mirroring the experience within Herefordshire.
 - e. Ensuring availability of placements that are of high quality, achieve desired outcomes and are cost effective is everyone's responsibility. All officers contribute to making Herefordshire a preferred partner and promote access to services within a challenging market.
 - f. Ensuring sufficiency of aligned services such as advocacy, specialist assessments and family group conferencing will promote effective care planning and engagement. Oversight of contracts and required procurement is essential, especially in light of increased demand generated through effective early help/edge of care services to support families and promote reunification.
 - g. Transition between services and through into adulthood requires timely oversight with an understanding of outcomes to be achieved at each stage.
4. The strategy is part of a whole-system approach that includes early intervention and preventive services to support children within their family setting, as well as better support services for children who become looked after. This strategy builds upon known data, permanency reviews undertaken May 2023, regional activity data and review of national reporting. This strategy aligns to plans across short breaks, SEND, mental health, transition post 16 including care leavers, permanency, reunification and early help. Links into the forward plan for commissioning and procurement will ensure safe arrangements for delivery of aligned services.
5. Whilst the spirit and intention of the 2019-2024 strategy remains, it is recognised that the landscape and context within which it is understood has changed affecting opportunities to

deliver agreed activity. These changes both challenge and support the ability of Herefordshire Council and as such, a review of progress and impact is timely. In light of Covid, recent cost of living crisis, and a challenging market for social care there has been limited opportunity to promote and achieve improved capacity, quality and value as previously articulated within the sufficiency strategy. Recent legal judgments and inspection visits have provided a strong incentive to deliver a robust programme of reflection and change and improvement. This document is therefore a revised plan, building on the 2019 strategy and extending the scope to include processes and services that may contribute to a stronger and more resilient infrastructure within which to make placements for those that need them. It is aspirational and seeks to achieve the vision outlined within the McAlister report and other key reports. This represents a proactive plan for the next five years.

6. The concept of measuring sufficiency is not simply counting available beds and projecting demand for different types of provision. Achieving sufficiency involves having choice available within quality and cost effective provisions and using a variety of mechanisms to commission a core offer whilst being able to flex at times of demand and to meet changing need. This strategy seeks to enable Herefordshire to establish a clear understanding both at a child specific level and strategically as to whether current arrangements are sufficient, how use can be encouraged and where new arrangements are required.
7. This report provides a refreshed position and replaces the sufficiency strategy 2019-24. It considers the interface with strategic plans to promote reunification and permanency, avoiding accommodation where it is safe to do so via effective early help services and wider service interdependencies.
8. Since 2019, when the last report was written, much has changed. Despite new arrangements for early help support to families and the intention to robustly support return home where safe to do so, numbers of Children looked after (CLA) have continued to rise to a figure of 415 April 2023 from 326 in 2019 (27% increase) and includes a significant rise in the number of unaccompanied asylum seekers children (UASC). This compares to a national trend where the entry to care figure has risen by 9% since 2019 (SSDA903).
9. Herefordshire has experienced a growth in numbers of UASC (unaccompanied asylum seeking children) and expect the trend to continue as a result of requests coming from the national transfer scheme and local hotels. Recent court judgment has meant that children under the age of 18 must not be placed within a hotel and this will impact requests for fostering and semi-independent living. There are plans to develop specific training to enable local providers and foster carers to meet the cultural, religious and language needs of children and young people.
10. Targets to build local in-house fostering and promote family based kinship care, published in 2019, have not been achieved. However in recent months a renewed focus of staff and resource has meant that there is a clear plan in place to support reunification and to promote permanency where it is safe to do so. Current modelling suggests up to 40 children may be discharged from our care, however many of these are currently already placed at home under orders. This reduction in CLA will therefore not mean a similar reduction in placements needed.
11. In the spring of 2023, a significant piece of work was completed to review all CLA cases, this work as demonstrated a clear understanding of the plans for children and young people and this provides a strong baseline for future sufficiency planning. The programme of activity to build sufficiency has been developed across services and reflects best practice initiatives and realistic projections for delivery against demand.
 - a. Of the 481 children and young people accommodated during 2022/23, 31 turned 18 and continue to be supported as care leavers and 47 left our care. 29 children are living at home with their parents whilst assessments to discharge orders are undertaken and there is a plan for re-unification of a further 27 children currently in foster care. Numbers

of young people in residential care increased from 46 in quarter 1 of 2022/23 to 52 in quarter 4 (13% increase). As of March 2023, 49 children are accommodated in residential children homes, with 15 (31%) living within Herefordshire.

- b. The number of children and young people placed within residential homes out of area at a distance over 20 miles has reduced by 1 and the percentage has reduced from 74% to 63% over 2022/23. Whilst some children are placed within specialist provision and are therefore appropriately placed out of area there may be an opportunity for some children to transition to foster care. There is a clear improvement in local relationships with providers and the reputation of Herefordshire, which can only continue to provide enhanced choice for local placement.
 - c. Of the 289 children living in foster care as of May 2023, (including those matched as long term), 70 are living with their family under kinship or regulation 24 arrangements.
 - d. Power BI reports of March 2023 indicate 86 children living with IFA and 138 with Herefordshire in-house carers.
 - e. The number of children and young people placed within IFA out of area at a distance over 20 miles has increased numerically by 2 however, the percentage against total IFA placements has reduced by 29% to 27% during 2022/23.
 - f. As of May 2023, 8 young people aged 18-21 are deemed to be in unsuitable accommodation. However, all have active plans where the young person wants this.
 - g. As of May 2023, there is no use of unregulated accommodation for children aged under 16.
 - h. Ofsted report of September 2022 for Herefordshire Children's Services, indicated significant challenges and areas for development. However an Ofsted Monitoring Visit focusing on early help, MASH and assessment undertaken 29 and 30 March 2023, noted incremental progress and a trajectory of improvement.
12. To help address the current challenges, the proposed 2023-2028 Placement Sufficiency Strategy includes, but is not limited, to the following objectives:
- a. There is a plan for re-unification of 27 children currently in foster care.
 - b. The fostering recruitment and retention strategy of May 2023 supports methodical and realistic net growth projections of 3 households (5 placements) in 2023-24 and 10 households (15 placements) annually during 2024-28.
 - c. Option and full business case to develop residential (Ofsted registered) homes in the county for children aged 11-18 who have complex needs and need a period of transition to achieve return to their family or foster care. These have been submitted in accordance with appropriate governance for cabinet oversight.
 - d. Options to develop routes into independence for care leavers, including tenancy support, prioritised banding, rent guarantee schemes and direct work with housing providers are ongoing.
 - e. Options to enhance capacity for supported accommodation in area via local frameworks are ongoing.
 - f. To build an effective short breaks offer for children with disability and their families.

- g. Herefordshire is working proactively with regional partners to consider opportunities arising out of pilot Regional Care Co-operatives.
 - h. Protocols to support young people 16/17 who present as homeless have been developed and will inform future commissioning projects.
 - i. Ongoing activity to review risks associated with the planned implementation of regulation for supported accommodation for 16/17 year olds. Collaborative working across the region and locally to ensure services are fit for purpose.
13. Every child will have an outcome focussed and SMART plan that meets their individual needs. Plans will be informed by evidence-based assessments and updated after every review. We will work with each child to help them understand their plan and the outcomes will focus on what is important for them. Planning for permanency will evidence careful consideration of all options for the child with clearly recorded decision -making which promotes progression and avoids drift and delay.
14. The Children Act 1989, sets out what Herefordshire Council must do to ensure that there is sufficient accommodation of different types for our looked after children and young people (CLA) and care leavers (CL) over the next five years. The Act requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are 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 ('the sufficiency duty'). The sufficiency duty must be seen therefore as a core part of how local authorities meet their broader duties to ensure that looked after children's needs are fully assessed, that effective matching takes place so that these are met within an appropriate placement, and that regular reviews are held to evaluate whether the child's needs are being met and to address any emerging issues.

Community impact

15. The proposed Placement Sufficiency Strategy supports the principles outlined in recent reports, response to inspection and crucially the improvement plan that seeks to promote improved outcomes for all children and young people and their families.
16. Children's Social Care and Early Help Improvement Plan 2022-2024 states: We want our county to be a place where children are supported to remain with their families wherever possible, through to stability and success in adulthood and in the future to be considered a child-friendly county. More than this, we are determined to improve our services for our most vulnerable children, young people and families and are committed to ensuring that all children have the best start in life. We believe that children should grow and achieve within their own families when it is safe for them to do so and are committed to working with other agencies to make sure that our children and young people are safe and able to reach their full potential. Our Vision is that all children and young people in Herefordshire feel safe, loved and valued, and grow up with the confidence and skills to be the best they can be.
17. The Herefordshire Children's Improvement Board continues to progress the details of the Herefordshire Children's Services Improvement Plan. This is designed to streamline and coordinate arrangements, improve reporting accountability and increase the pace of the overall improvement programme

18. The strategy will have a direct effect on the lives of looked after children and care leavers and will support the council in its role as the corporate parent. It seeks to ensure that more children and young people are able to be placed local to home, when it is in their interests to do so, and that they are able to maintain contact with their families, education and communities. Crucially it recognises the need to ensure arrangements for securing placements and support services are commissioned safely and the need to work collaboratively across services recognising co-dependencies.

Environmental Impact

19. This is not considered to have an environmental impact. However, where necessary efforts will be made to ensure this works within the frameworks with our environmental policies.

Equality duty

20. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- A. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- B. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- C. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

21. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Providers will be made aware of their contractual requirements in regards to equality legislation.

22. Before a child or young person is placed, a professional assessment of their needs is undertaken so that any specific equality issues can be identified. The individual's assessment and specific equality requirements informs their care planning to ensure that an appropriate placement is provided for them. This strategy is built upon an analysis of need undertaken at a child specific level. Assumptions as to the trajectory of care have not been made and therefore flexibility is key to the delivery of all services.

23. In the last year the profile of children and young people accessing services has changed with a growing unaccompanied asylum seeking population and more work is needed to understand how best to support these children and meet their individual cultural needs across a variety of placement types. Recruitment of foster carers will focus on identifying individuals who can offer appropriate care and support. Arrangements for those individuals who can live in semi-independent accommodation, or indeed independently whilst status applications are being made will be provided with accommodation and support appropriate to their needs and wishes.

Resource implications

24. There are no resource implications pertinent to signing off the Sufficiency Strategy, however, any specific proposals for development of service, procurement, training and engagement will have costs described within individual business cases. Each proposal will go through the required governance for sign off.
25. This strategy proposes a variety of activities that seek to improve choice, flexibility of offer, improve outcomes, improve quality and provide value for money. There is no assumed commitment to funding although doing nothing will maintain the status quo. It is expected that cost avoidance can be achieved if new arrangements are developed in line with the proposed work plan activity which needs a programme of oversight to monitor outcomes.
26. The sufficiency strategy itself has no resource implications. All costs associated with the aligned action plan will be fully articulated within any business case and decisions will be made on the merit of each in line with appropriate governance.
27. Arrangements for ongoing oversight via the Improvement Board and PMO will be reviewed within the Commissioning and Resources Board.

Legal implications

28. The Council is subject to a range of duties towards children within our area that are related to the sufficiency duty. In particular:
29. Section 17(1) of the 1989 Act provides that it is the general duty of a local authority to provide a range and level of services to children in need (as defined in section 17(10) of the 1989 Act) and their families in the local area which are appropriate to their needs.
30. Section 20 of that Act requires local authorities to provide accommodation for children in need within their area who appear to them to require accommodation in accordance with the provisions of that section.
31. Section 21 requires a local authority to accommodate certain children who are either removed or kept away from home under Part V of the 1989 Act or who are subject to a criminal court order.
32. Section 22C (5) requires local authorities to place children in the most appropriate placement available. In determining the most appropriate placement for a child, section 22C (7) requires local authorities to take into account a number of factors (such as the duties to safeguard and promote welfare; promote educational achievement; ascertain the wishes of the child and family; and give due consideration to religious persuasion, racial origin and cultural background).
33. In determining the most appropriate placement for a child, section 22C(7)(a) also requires the local authority to give preference to a placement with a relative, friend or other person connected with the child and who is also a local authority foster parent.
34. Section 22C sets out the additional factors (in no order of priority) which the local authority must take into consideration when deciding the most appropriate placement:
 - a) allowing the child to live near his/her home;
 - b) not disrupting the child's education or training;
 - c) enabling the child and a looked after sibling to live together;

- d) meeting the particular needs of disabled children; and
- e) Providing accommodation within the local authority's area, unless that is not reasonably practicable.

35. Section 23(1) (a) requires a local authority to provide accommodation for a child who is in their care (by virtue of a care order).

36. The strategy meets the council's statutory obligations in fulfilling these duties.

37. Individual proposals stemming from the strategy will require a separate business case and governance this will follow the council's contract procedure rules

Risk management

Risk/Opportunity	Mitigation
<p>There is an opportunity to promote Herefordshire as a referrer of choice enabling increased choice of quality local placements to meet assessed need and allow for timely transition into family based services/home where safe to do so. This will require a system wide effort to engage locally and regionally.</p>	<p>A programme of provider engagement aligned with practice improvement to include information sharing, proactive negotiation and effective back office arrangements, has already generated improved response to referral and is expected to continue to do so.</p> <p>A review of placements currently needed and projections for future demand is informing how new arrangements are prioritised. Supporting social workers with easy access arrangements, e.g. family group conferencing, DNA/hair strand testing and specialist assessments will avoid delays and build the reputation of Herefordshire Children's Services.</p> <p>A programme of engagement with care experienced young people will require officer capacity and resources but will deliver effective well-specified services.</p>
<p>Current challenges within the market are leading to local closures of residential children's homes, increased charges and increased demand for local services from other LA. Our children are being placed out of the area with increased costs attached for contact/travel and reduced opportunities for continuity of education and relationships.</p>	<p>Market management approaches across 14 local authorities are seeking to ensure a greater market presence and encourage development/re-opening of quality services.</p> <p>Options to contract with Herefordshire under block arrangements are being progressed to ensure stability of placement. Options to replicate best practice models of care are being reviewed.</p> <p>Options to develop respite (including short breaks) and assessment provision are being developed.</p>
<p>Processes to secure capital funding may delay implementation of proposed commissioned arrangements. Capital funds may not be available.</p>	<p>Parallel planning is underway to ensure timescales for bids for 2024-25 can be met. Options to explore arrangements that do not require capital funding are being explored.</p>
<p>Plans to grow in-house foster care capacity and to meet demand for sibling groups, teenagers and for those with complex needs are challenging</p>	<p>A pro-active programme of advertising and recruitment, aligned with revised arrangements for payment, assessment and support are likely to boost applications, approval rates and retention.</p>

Ensuring quality and effective placements for children and young people that meets need and promotes transition as appropriate.	A focused quality assurance team has been developed and works alongside operational teams to ensure ongoing oversight of new providers and manage any specific concerns. Ongoing oversight of care planning is supporting effective transition and return home where it is safe to do. An emphasis on preparation for independence is supporting readiness for independence/ change and is avoiding drift within placements.
Planned Ofsted regulations for 16+ semi-independent provision may lead to reduced capacity locally, increased costs and the need to move young people out of unregistered provision.	Robust oversight, both locally and regionally, is in place to track progress and ensure potential issues are identified early to allow for effective planning. Providers are supported to manage change. Options to promote moves into a tenancy are being developed in line with housing services.

38. This strategy proposes a way forward that seeks to develop a range of services to support effective care planning. There are numerous dependencies that may impact how effective any approach will be. Equally, the success in bringing children back to their families or to local provision will impact partner agencies across education, health and the third sector and their strategies will need to reflect .
39. As such, Herefordshire Council should continue to develop effective oversight of plans across service areas to include:
- a) Numbers of young people entering/exiting care and their route through care.
 - b) Projected demand for support post 18 to include staying put, staying close and tenancy support, supported accommodation.
 - c) The potential to work at a regional level i.e. regional care co-operatives and market management.
 - d) The potential to use frameworks and blocks to secure provision within a challenging market.
 - e) The potential to build our reputation as a referrer of choice.

Consultees

40. This strategy has been prepared in conjunction with colleagues across social care, education and commissioning. Comments have been received from senior leadership teams. Draft reports were shared with the Corporate Parenting board during spring 2023.

Where procurement's are required to support this strategy they will comply with the Council Procedure Rules and/or the Procurement regulations 2015 as applicable.

All activities proposed will have care experienced young people involved in the development of options, planning, review and development of new arrangements to ensure next steps are effective in achieving what is needed by them. Initial thinking has been informed by the Case for Change report 2021, arising out of the 2020 Independent Review of Children's Social Care.

Appendices

Appendix 1 – Placement Sufficiency Strategy for Children and Young People 2023 – 2028

Appendix 2 – Programme of Activity

Appendix 3 – EIA

Appendix 4 – A National Voice (Image 1)

Appendix 5 – A National Voice (Image 2)

Appendix 6 – Home is not a placement (Image)

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	John Coleman	Date 11/08/2023
Finance	Wendy Pickering	Date 09/08/2023
Legal	Emma-Jayne Brewerton	Date 10/08/2023
Communications	M Lee and L Featherstone	Date 08/08/2023
Equality Duty	Harriet Yellin	Date 09/08/2023
Procurement	Lee Robertson	Date 08/08/2023
Risk	Elizabeth Freedland	Date 26/07/2023

Approved by Darryl Freeman Date 10/08/2023