



## HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 24TH OCTOBER 2017

**SUBJECT: LOOKED AFTER CHILDREN – SERVICE PRESSURES**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide Scrutiny Committee with an overview of challenges being faced across Children's Services particularly in relation to Looked After Children and the increased pressure on placements.

### **2. SUMMARY**

- 2.1 The report will outline the Social Work processes relating to 'edge of care' family support services, Looked After Children (LAC) and court proceedings under the Public Law Outline (PLO) and provide detail of the increased pressure on placements with the associated rise in budget spend.
- 2.2 Caerphilly's looked after population was relatively stable averaging around 276 up until the autumn of 2016. This stability coupled with stable numbers of children on the Child Protection Register meant the service was able to maintain high levels of performance across all areas.
- 2.3 However, since last autumn, the number of LAC has increased significantly by nearly 30% to 358 and the complexity of the children and young people being cared for has also increased.
- 2.4 As a result, Children's Services is currently projecting an overspend of £2.75 million on children's placements.

### **3. LINKS TO STRATEGY**

- 3.1 Social Services & Well Being (Wales) Act 2014.
- 3.2 Children's Services Commissioning Strategy 2015-2020.
- 3.3 Well-Being of Future Generations Act (Wales) 2015.

### **4. THE REPORT**

#### **Practice Context:**

- 4.1 Children's Services' Commissioning Strategy includes the following three key priorities:
- To support families to stay together
  - To manage risk confidently and provide support at the 'edge of care' and
  - To give children and young people clearly planned 'journeys through care'.

- 4.2 The first two priorities are clearly interlinked and demonstrate the Local Authority's commitment to supporting children and young people to remain living together with their families. Early intervention and prevention services are key to achieving this and the Supporting Family Change Team, funded through Families First and managed by Children's Services plays a significant role. The team receives referrals directly from the Information, Advice & Assistance Team (IAA) in those cases where it is considered that early intervention and prevention support will reduce the need to refer to statutory services.
- 4.3 If a referral meets the criteria for Care & Support under the Social Services and Well Being Act, family support is provided by Children's Services through 'in need' services, through inclusion on the Child Protection Register and where appropriate, through support from the Immediate Response Team.
- 4.4 The Division operates a weekly Resource Panel which considers individual cases where there may be a risk of the child becoming looked after in order to identify alternative supports to prevent the need for higher level statutory interventions. The Panel plays a critical role in quality assuring decision making by reviewing all requests for children to become looked after and scrutinising any emergency placements made in the previous week.
- 4.5 The third priority relates to delivering clear journeys through care for children and young people who have to be accommodated. When a child first becomes looked after, and where it is safe to do so, the Division makes every attempt to rehabilitate the child home to family whether to parents or extended family as quickly as possible.
- 4.6 For those children where it is not safe for them to be placed within their family, we work hard to ensure the Care & Support Plan meets the individual needs of that child. Statutory Reviews have to be held within 1 month and 4 months of the child becoming looked after. Subsequent Reviews are then held at a minimum interval of six monthly. Regulations require that the child has a 'Permanence Plan' in place by the four month Review. This ensures the longer term planning is clear and the care pathway is defined. If there is no plan to rehabilitate to family at this stage, the Courts expect the Local Authority to issue Care Proceedings.
- 4.7 When children have to be looked after, the Commissioning Strategy clearly expects that children will be placed with in-house foster carers in the first instance. The average in-house foster placement costs £16k per annum. Where an in-house placement is not available, the Local Authority aims to place children in Independent Fostering Agency (IFA) placements within the County Borough to maintain links with home, school and communities. Despite constant recruitment activity, Caerphilly has experienced a net loss in the total number of carers over the last four years and the profile of our existing carers suggests that several more will be retiring over coming years. The increased demand has resulted in all in-house and in-County provision being filled and as a result the Local Authority is reliant on out of area IFA placements. The average cost of an IFA placement is £35-40k per annum.
- 4.8 Every child who becomes looked after has experienced some level of attachment trauma caused through poor parenting, neglect and abuse within their families. It is therefore not surprising that children can present with challenging behaviours. Unfortunately, these presenting behaviours are becoming more challenging and are being presented at a much younger age. We have 8-10 year olds presenting with typical 'teenage behaviours' and increasing numbers of foster placements are breaking down resulting in children having to be moved to new carers. When a younger child experiences a number of placement breakdowns, the Local Authority has to offer different intervention to stabilise the care for the child. This inevitably results in a short term placement in residential care.
- 4.9 Older children and young people can display extremely challenging behaviours often placing themselves and others at risk including substance misuse, aggression, violence, absconding which places them at greater risk of Child Sexual Exploitation and possible offending. Foster families cannot manage these levels of risk and residential care is often the only viable option.

- 4.10 In the first instance, in-house residential provision at Ty Ni will be considered before looking at the independent sector. A placement in Ty Ni costs £2900 per week. However, Ty Ni is consistently full and the Local Authority has to then rely on the independent sector where placements can range from £4 – 7k per week. As with foster care, children and young people can experience placement breakdowns in residential care and this often leads to the need for more specialised placements at even higher cost.
- 4.11 Up to the end of 2016, Caerphilly had an average of 13 children and young people placed in out of area residential homes. Over the last eight months this has risen to 18.

#### **Legislative Context:**

- 4.12 The legal status of the child or young person is important. Historically the proportion of children looked after under voluntary arrangements i.e. through agreement with parents (Section 76 of the SS&WB Act – previously Section 20 of the Children Act 1980) was always higher than those children subject of Care Orders. Under Section 76, young people can choose to leave care at the age of 16 years. Under Care Orders, the young person remains looked after until the age of 18 years. Whether subject of Section 76 or Care Orders, young people are entitled to leaving care support from the 16 Plus Team.
- 4.13 With the introduction of the Public Law Outline (PLO) in 2014 and the resultant Judicial involvement in Local Authority Care Planning, that historical balance has shifted and more children are now being placed under Care Orders even where the plan may be to return the child to live with parents or be placed with extended family.
- 4.14 Over the last two years, legal proceedings in Caerphilly have increased by just under 60%, from 37 at the end of 2014 to 63 at the end of 2016. Year to date trends are demonstrating even higher rates in 2017 with last year's rate having already been exceeded.
- 4.15 Data recently shared through the Family Justice Network has confirmed that across the UK there has been a 24% increase in legal proceedings in the last 12 months. Across the South East Wales Local Family Justice Board (LFJB) region comprising 10 Local Authorities, the increase is reported to be 29%.
- 4.16 Despite the PLO allowing 26 weeks for proceedings to conclude, the Designated Family Judge (DFJ) has driven the region to become the top performing in the UK, with the average length of proceedings dropping to between 23 and 24 weeks. This top performance comes at a cost for Social Workers and Lawyers who often report feeling overwhelmed by the demands, feeling personally attacked in courts and experiencing high levels of work related stress.
- 4.17 It is important to note that Caerphilly has an excellent reputation within the region and unlike neighbouring authorities; Service Managers and the Assistant Director (AD) are not routinely summoned to court to give evidence. This provides a level of protection for Caerphilly practitioners and it is vitally important that this position and reputation is maintained.

#### **Current Placement Profile and Cost:**

- 4.18 The current placement profile and the associated costs are broken down below:

<b>Placement Type:</b>	<b>No of children</b>	<b>Spend £'s</b>
In-house Foster Care	129	2,110,566
Independent Foster Care	76	2,675,761
In-house Residential Care	4	612,970
Independent Residential Care	18	3,755,453

Secure Accommodation	2	796,364
Placed at home with parents	38	Nil
Placed with family carers	67	490,943
Placed for Adoption	15	120,172
Supported Accommodation (16+)	9	402,691
<b>Total:</b>	<b>358</b>	<b>10,964,920</b>

### Why has demand increased?

4.19 It is difficult to ascertain reasons for the increase in demand being experienced. The ADSS All Wales Heads of Children's Services Group has shared data and practice experience and suggest the following factors that have undoubtedly contributed to the increase:

- Austerity – families are now beginning to feel the impact of the national austerity measures and the changes in welfare benefits. Families are living in poverty and are struggling to cope.
- Societal changes – the Service is supporting families where there is historical, inter-generational poor parenting, abuse and neglect. Parental aspirations are low and substance abuse and poor mental health are common. Social media, TV and the internet are exposing children to adult issues that historically children would have been protected from until they were of an age to understand.
- Welsh Government initiatives – general public and professional awareness is being drawn to the impact of Adverse Childhood Experiences (ACE's). These factors have always been known and understood within Social Work but the wider awareness raising is leading to increased referrals for support. Similarly the Anti-Poverty Programmes are targeting vulnerable families and whilst providing invaluable support, the programmes are also identifying concerns earlier resulting in referrals for services.
- The Judicial system – there is no doubt that the Judiciary are driving changes in Social Work practice that could be viewed as contrary to the principles of the Social Services and Well Being (Wales) Act 2014. As stated previously, voluntary accommodation was often used as a support for families at times of crisis and although the child may be in care for several months, there were often good outcomes for families with children returning home successfully without legal orders. However, the Courts direct that any child who is accommodated for 16 weeks must be considered for legal proceedings. Similarly, children suffering unexplained injuries were often accommodated for short periods of time whilst medical assessments were completed. All suspected and unknown Non Accidental Injuries (NAI's) must now be issued on. This subjects families to higher levels of stress and anxiety and is leading to children being accommodated for longer periods than would previously have been necessary. These issues are raised by the AD at the periodic Local Family Justice Board meetings with the Judiciary.

### What are we doing in response?

#### 4.20 Management oversight:

The AD and Divisional Management Team (DMT) continually quality assure all requests for children to become Looked After. Whilst every effort is made to support children to remain within their families, the risks posed by some families mean that children have to be protected. Every decision to accommodate a child is scrutinised by Senior Managers and ultimately by the Courts. In every case, the decision to remove the child has been appropriate. As stated, the Division operates weekly multi agency Resource Panels where early intervention and prevention supports are identified in order to prevent escalation into statutory services. A

monthly multi agency External Placements Panel, chaired by the AD, reviews all external placements including Independent Fostering Agency (IFA) and residential placements. In addition, placement activity data is reported to DMT on a monthly basis often leading to case audit and reviews.

**4.21 Risk Model:**

During 2015/16, Children's Services invested in training all staff to implement a risk assessment framework known as the Risk Model. This framework ensures that every case is assessed for the risk of significant harm and using a range of approaches provides structured evidence and analysis that informs decision making. Implementation of the Risk Model has contributed to ensuring Caerphilly have had no Child Practice Reviews following serious abuse, neglect or the death of a child. CSSIW have confirmed that safeguarding practice and procedures are robust in Caerphilly.

**4.22 Foster Carer Recruitment:**

There is a national shortage of foster carers and every Local Authority is in direct competition not only with each other but with the independent sector. Caerphilly has used traditional methods of advertising with low response rates. Scrutiny Committee are aware that in the autumn of 2016, it was agreed that a radio advertising campaign would be funded. In direct response to this campaign the Fostering Team are processing twice the number of assessments compared to previous years. It is recommended that this advertising is continued. Caerphilly's fee levels for foster carers are relatively low in comparison to neighbouring authorities and this can have a direct impact on our ability to recruit. It is hoped that the National Fostering Framework being developed by Welsh Government will assist in addressing these anomalies.

**4.23 Caerphilly MIST:**

MIST provides intensive support to a small number of specially recruited and trained therapeutic foster carers to repatriate young people placed in out of area residential care and to prevent young people who may be at risk of residential care from moving out of area. The model effectively creates a team around the young person, where the staff members have good relationships, communicate well, hold a shared understanding, act consistently and provide mutual support. The team manages high level risks and keeps young people safe whilst building their skills and resilience which, over time, leads to a reduction in their risk taking behaviours.

4.24 The Council agreed that Directorate budget reserves could be utilised to fund the establishment of this service in Caerphilly. The total cost of the service when fully operational is estimated to be £583k per annum and the average out of area placement cost is £208k per annum. Reducing by or preventing three out of area placements will ensure the service covers its own costs leaving the small surplus to offset any pressures within the placement budget. The service will provide support to up to 15 children and young people at any time.

4.25 The aim is for the service to cover its own costs within 18 months of being established. Over time the savings or cost avoidance can be anticipated to grow as increasing numbers of young people are supported to remain in Caerphilly.

**4.26 Welsh Government's 'Edge of Care' Grant:**

In response to a recommendation made by the Ministerial Advisory Group for Improving Outcomes for Children, Welsh Government allocated new grant funding to Local Authorities this year. For Caerphilly, this allocation is £341k. The Corporate Director and Senior Management Team have approved a proposal to utilise the grant by expanding the existing Immediate Response Team. The current team is relatively small but has delivered impressive results, diverting children from becoming looked after and supporting families to avoid care proceedings. As a result of the investment, the number of children and families able to be supported will double. The expectation will be very clear – unless there is an immediate safeguarding concern, a child will not be taken into care unless the Immediate Response Team has been involved. Similarly, care proceedings will not be issued until the Team has been involved.

#### 4.27 **Reflect:**

Based on the 'Pause' service in England, the new Reflect service offers support to women who have had or are at risk of having multiple children removed from their care, often at birth. The service provides intensive support to the women in their own right to enable them to take control of their lives and actively choose not to have further children until they are either mature enough or have developed the appropriate parenting skills in order to successfully care for a child. Although numbers are small, the outcomes in England have been very positive.

### **5. WELL-BEING OF FUTURE GENERATIONS**

5.1 Social Services contribute to the Well-being Goals and the 5 ways of working in the context of strategy and vision, preventing problems occurring or getting worse and collaborating to meet agreed objectives specifically:

- Corporate planning
- Risk management
- Workforce planning
- Performance management
- Financial planning

### **6. EQUALITIES IMPLICATIONS**

6.1 The Council's EIA process does not need to be applied in this matter.

### **7. FINANCIAL IMPLICATIONS**

7.1 The increased number of Looked After Children has resulted in a projected overspend within the Service of £2.75 million.

7.2 New Welsh Government grant funding allocated this year to enhance 'Edge of Care' services is planned to be incorporated into the Revenue Support Grant from 2018/19. It will be critical to ensure this funding is protected within the Council's budget allocation to ensure the investment in the existing service is able to continue.

7.3 The Council is already committed to the investment in Caerphilly MIST and this requires long term commitment in order to deliver the desired outcomes.

7.4 Consideration needs to be given to investing in additional residential provision within Caerphilly. With the unit cost at Ty Ni being significantly lower than the independent sector we have to consider opening additional children's homes in order to reduce costs.

7.5 The radio foster carer recruitment campaign costs £13k per annum. A review of Foster Carer fees and allowances needs to be undertaken.

### **8. PERSONNEL IMPLICATIONS**

8.1 There are no HR or personnel implications arising from this report.

### **9. CONSULTATIONS**

9.1 The report reflects the views of the consultees

## **10. RECOMMENDATIONS**

10.1 Scrutiny Committee are requested to note the content of this report.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To ensure Scrutiny Committee understands the pressures being experienced in Children's Services and the associated financial implications of these pressures.

## **12. STATUTORY POWER**

12.1 Social Services and Well Being (Wales) Act 2014

Authors: Gareth Jenkins, Assistant Director – Children's Services

Consultees: Cllr Carl Cuss, Cabinet Member  
Dave Street, Corporate Director – Social Services  
Social Services Senior Management Team  
Corporate Management Team  
Children's Services Divisional Management Team