

	<p>CHILDREN, EDUCATION and SAFEGUARDING COMMITTEE</p> <p>13 January 2020</p>
<p style="text-align: center;">Title</p>	<p>Children in care residing in unregulated placements</p>
<p style="text-align: center;">Report of</p>	<p>Chairman of the Committee, Councillor David Longstaff</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>No</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
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Summary

This report provides an overview of the provisions used for children in care that are termed unregulated within Children's homes and Fostering regulations and by Ofsted. This is in response to the Members' item raised at the previous CES.

The report defines what may be considered an unregulated provision, informs on the concerns highlighted by Ofsted and reports on Barnet's cohort of children who reside in unregulated placements.

Recommendations

1. That the Committee consider and note the information in the report.

1. WHY THIS REPORT IS NEEDED

- 1.1 The use of unregulated providers for children in care is not unusual as OFSTED does not have the statutory powers to inspect all types of provision, senior officers have oversight of this provision and have reviewed the use of such providers in Barnet. In response to a Members' item at this Committee on 10 September 2019, it was agreed that a report would be prepared to enable Members to effectively undertake their role as Corporate Parents
- 1.2 This report will seek to clarify the definition of the unregulated provision, look at how they are used for children in care and how Barnet Family Services ensures the suitability and quality of care of these providers.
- 1.3 An unregulated provision is allowed in law. This is when children, usually over the age of 16, need support to live independently rather than needing full-time care. Ofsted do not regulate this type of provision.

It is used as a stepping stone to independence, and only ever when it is in a young person's best interests. For a number of young people, it is the right choice. Some children do not want to live with foster parents or live in a children's home. For some unaccompanied asylum-seeking children, this can be the right option too, but not for all.

- 1.4 The most common type of unregulated provision is supported living. This is accommodation where children are visited and get some support as they move towards independence.

Supported living is not regulated by Ofsted. It is for the local authority, as 'corporate parents', to make sure any placements are safe and suitable for their child to live in.

We know there is some high-quality supported living that makes a difference to children's lives. But some are of poorer quality, and are not doing all they need to do for children.

- 1.5 An unregistered provision is different to an unregulated provision. The staff at an unregistered provider may not necessarily realise that they need to register the

provision with Ofsted. This can happen when a supported living provider has extended what they do without recognising that they have crossed into providing care. It is also common in short-term arrangements or crisis responses when a placement for a child needs to be found quickly.

- 1.6 It is important that the local authority know which providers are not registered, so that we can make the best decisions about where to place children. We know, for example, there is not enough provision in the secure estate and specialist mental health services. This has an impact on options for children and the decisions that are made for them.

At times, many children are living further away from home than they need to. The market for good quality regulated placements is under pressure with the increase of complex adolescents coming into care and this can result in the use of crisis placements and supported accommodation.

- 1.7 In the recent inspection of Barnet Children services (May 2019), Ofsted noted, *“Children in care placed outside of the local authority are well supported and have appropriate access to relevant health and education provision. If children are placed out of borough, this is often in response to a safeguarding or complex need, and active consideration is given to children returning to a local placement when this is consistent with their needs. Appropriate notifications are made to host authorities.”*
- 1.8 In Barnet, there are currently 49 young people in semi-independent provisions (supported accommodation). Provisions range from where a young person is receiving a low level of support eg 5 hours of keyworker sessions to where young people receive up to 20 hours of support due to their needs.
- 1.9 Since April 2019 we have used 9 crisis and solo placements that are not regulated. Four young people were under 16 years old. These are used for the maximum of 28 days for young people under the age of 16 in exceptional circumstances and for over 16 year olds these provisions can be extended. The Head of Service for placements approves these arrangements. They are monitored by the Placements team very robustly to ensure that each child has a clear and realistic transition plan to their next provision. Should there be a need for an extension to the 28 days the Director of Children Social Care will make this decision.

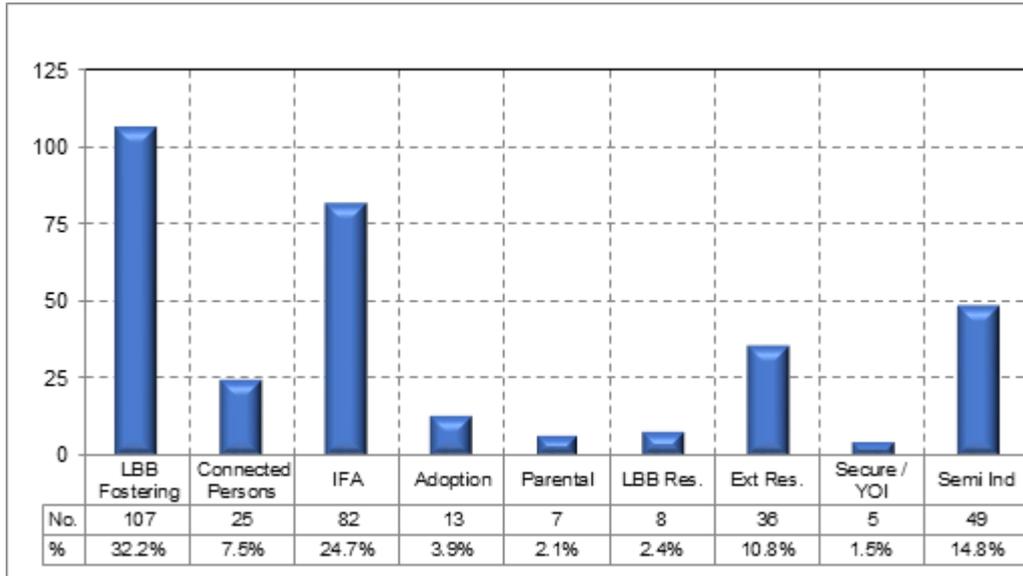


Figure 1: Placement types for children in care

CiC in unregulated provision			
Age	Current	18/19	17/18
16	19	11	15
17	30	38	51
Total	49	49	66

Of the 49 young people, 20 are unaccompanied asylum seeking children.

Avg length of time in provision (days)			
Age	Current	18/19	17/18
16	137	86	713
17	214	239	595
Tot	184	205	622

The average length of time that they reside in supported accommodation is approximately 6 months. The majority of children leave these provisions to return home or to move to their own accommodation at 18 years.

- 1.10 The West London Alliance has very recently introduced an accreditation scheme for unregulated accommodation and support services, such as semi-independent services, hostels, supported lodgings and floating support services. The scheme may be used as a search option for Local Authorities within the planned WLA Unregulated Services Dynamic Purchasing Vehicle.

Within the first month 80 organisations registered an interest, 27 have applied and 19 have provided sufficient information to progress to the inspection stage. To date 6 inspections have been carried and of these, 4 providers passed. There is interest in this scheme nationally.

- 1.11 Ofsted has been requested to consider implementing a regulatory system for supported living. This might seem an easy solution to address the concerns about the safety of children as everyone wants more high-quality provision and good decision-making for children.

Regulation could help local authorities with that, but are there other safeguards we need to have in place too. The first step has to be that all local authorities take the right steps to make sure that the children they are responsible for are living in safe and suitable places.

- 1.12 What is needed is for children to have that right 'stepping stone' from care to independence. Something that sets them in the right direction with the right support. Many providers offer excellent support to children, equipping them well for their futures.

- 1.13 Placement Officers within the Placement Team visit providers before we contract to use them, and they complete a number of safeguarding checks on providers. These include DBS check on staff, references from other Local Authorities, views of the social worker, IRO and Virtual school as to the quality of provision. If a young person has possible gang affiliation or was a victim of exploitation, prior to placing the young person with a provider, the address of the provider is checked with the police and Youth Offending Service.

Placement Officers read the Statement of Purpose and check that all policies are in place and are implemented. These include the Child Protection Policy, Preparation for independence programme, Risk assessment, Drug and alcohol policy, training for staff, complaints procedures, Location Assessments and recruitment process, Health and Safety, Training and Development of staff, Whistleblowing, Discipline and Grievance Policy. The robust initial checks and contractual requirements with every provider used by Barnet Family services serves to ensure that we do secure the best available place for our children to live and have access to the right level of support. It also provides the framework in which we can take immediate action to move a young person should the need arise.

- 1.14 The children's social work teams are encouraged and approached to give feedback on the standard and effectiveness of the providers and this is fed back to the providers. Regular feedback is offered to other authorities within the WLA and the North London consortium on providers used for Barnet children.

Monitoring visits to the providers take place on a 3 to 6 monthly basis, and if a notification is received in relation to a provider, from another authority or from Ofsted in response to a complaint investigation, with a standard of care concern, an immediate visit will be conducted to the provider if we have a young person residing there. A planning meeting with the child's social work team will be

arranged and a risk assessment and plan to either mitigate the risks or move the young person will be agreed by professionals.

- 1.15 Following a sharp increase in the number of unaccompanied asylum seeking children aged 16+ requiring accommodation and specialist support over the last 3 years, Family Services has commissioned a range of supported accommodation in borough. This includes 10 hours of dedicated keyworker support per week, where required, and 24 hour support. The provision includes high quality accommodation within the borough, in accordance to individual needs. Our local support providers have a wealth of expertise in supporting unaccompanied asylum seeking children and provide holistic and personalised support to achieve positive outcomes for these young people.
- 1.16 At times the supported accommodation out of borough is appropriately used for young people whose safety has been compromised through their involvement in gangs. The providers we use are able to put the necessary support in place that creates opportunities for young person to experience different activities, role models and reflective space with other young people to assist them to change behaviours and re-engage with education or training. For adolescents that enter our care at 16 or 17 years often find moving into a family setting very difficult and respond positively to the supported environment to develop independent skills before moving to own property at 18.
- 1.17 On reviewing placement changes it is however worth noting that in the last year and currently there is a positive trend of moving young people out of supported accommodation into foster care before they turn 18.

In 2018/19 four young people moved to foster care and to date three have moved from supported accommodation to foster care this year. This is a very positive move for them as many of our young people will stay put with their carers and have the opportunity to remain within a family until they are better able to manage their own properties.

This also decreases the number of young people having to go into stepping stone accommodation prior to their permanent housing is identified. This is a trend that needs to further strengthen as it is a way to ensure stability and positive support for young care leavers.

- 1.18 For young people post 18 who are finding the prospect of living independently confusing and who may have emotional needs that may be impacted by living on their own, we have maintained the supported accommodation for them for 3 to 6 months. The support provided to these young people focusses on preparation for independence and where possible will include outreach to the young person when they move to their permanent property.

1 REASONS FOR RECOMMENDATIONS

Members are asked to note progress to ensure scrutiny by elected members and improve the effectiveness of the local authority in fulfilling their corporate parenting responsibilities and delivering services to children in care and care leavers.

2 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Not applicable.

3 POST DECISION IMPLEMENTATION

Not applicable.

4 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 This supports the following Council's corporate priorities as expressed through the Corporate Plan which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet is a place;

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Resource implications associated with the Ofsted Improvement Action Plan and Family Services operations are outlined within the Ofsted Update and Q2 Performance Monitoring Report.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.4 Legal and Constitutional References

5.4.1 Local authorities have specific duties in respect of children under various legislation including the Children Act 1989 and Children Act 2004. They have a general duty to safeguard and promote the welfare of children in need in their area and, if this is consistent with the child's safety and welfare, to promote the upbringing of such children by their families by providing services appropriate to the child's needs. They also have a duty to promote the upbringing of such children by their families, by providing services appropriate to the child's needs, provided

this is consistent with the child's safety and welfare. They should do this in partnership with parents, in a way that is sensitive to the child's race, religion, culture and language and that, where practicable, takes account of the child's wishes and feelings.

- 5.4.2 Section 1 of the Children and Social Work Act 2017 introduces corporate parenting principles, which comprises of seven principles that local authorities must have regard to whenever they exercise a function in relation to looked after children and care leavers. These principles apply to every part of the local authority, not just to children's services. These are largely a collation of existing duties local authorities have towards looked after children and those leaving care.
- 5.4.3 Under the Council's Constitution, Article 7 the terms of reference of the Children, Education and Safeguarding Committee includes responsibility for all matters relating to schools, education and safeguarding.
- 5.4.4 The President of the Family Division's has recently issued guidance to local authorities on the use of unregulated placements (Nov 2019). The guidance only relates to cases which are in proceedings, and makes it clear that if a provision is not registered the reason for this must be made clear. If registration is not required because the provision falls within the terms of "unregulated provision", such as supported living which falls outside Ofsted's scope of registration, or that a statutory exemption applies, the LA must ensure that the premises and support being provided are safe and suitable for the child accommodated. If care rather than support is being provided, then the provision is likely to require registration.

5.5 Risk Management

- 5.5.1 The nature of services provided to children and families by Family Services manage significant levels of risk. An inappropriate response or poor decision-making around a case could lead to a significant children's safeguarding incident resulting in significant harm. Good quality early intervention and social care services reduce the likelihood of children suffering harm and increase the likelihood of children developing into successful adults and achieving and succeeding.

5.6 Equalities and Diversity

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
 - advance equality of opportunity between people from different groups
 - foster good relations between people from different groups
- 5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services
- 5.6.3 Equalities and diversity considerations are a key element of social work practice. It is imperative that help and protection services for children and young

are sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender, identity, language, race and sexual orientation. Barnet has a diverse population of children and young people. Children and young people from minority ethnic groups account for 52%, compared with 30% in the country. Of the 49 Children in Care currently in unregulated provision, 20 (41%) are Unaccompanied Asylum Seeker Children, and therefore will be from minority ethnic groups.

- 5.6.4 Social workers practice in relation to inequalities and disadvantage is inconsistent. Recent learning from audits and practice week has highlighted attention to diversity and the cultural context in assessments is an area of practice in need of support from management, the Practice Development Workers and targeted training. The action plan addresses the additional work which needs to be done to ensure that children's diversity and identity needs are met; "5b(ii) Strengthen consideration of diversity in assessment so that assessments thoroughly explore and consider family history including the influence of cultural, linguistic and religious beliefs, norms and expectations".

5.7 Corporate Parenting Principles

- 5.7.1 In July 2016, the Government published their Care Leavers' strategy *Keep on Caring* which outlined that the "... [the government] will introduce a set of corporate parenting principles that will require *all departments* within a local authority to recognise their role as corporate parents, encouraging them to look at the services and support that they provide through the lens of what a reasonable parent would do to support their own children.'
- 5.7.2 The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:
1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
 2. to encourage those children and young people to express their views, wishes and feelings;
 3. to take into account the views, wishes and feelings of those children and young people;
 4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
 5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
 6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and;
 7. to prepare those children and young people for adulthood and independent living.
- 5.7.3 As part of the Ofsted improvement journey and to ensure that Barnet has due regard to the Principles and improves on the delivery of corporate parenting to children in care and care leavers in Barnet, we:
- submit an annual report on performance of the corporate parenting

advisory panel.

- commit to supporting children and young people to achieve their best in childhood, adolescence and adulthood within the Corporate Parenting Pledge for children in care and care leavers, as approved by full council on 29 January 2016. The Pledge can be found in section 6.3.
- provide learning and development for elected members and senior officers to understand their duties and responsibilities to children and care and care leavers and ways in which the Principles can be embedded and sufficient challenge provided regarding work and decisions of the council. The next training session is scheduled for 31 May 2018;
- ensure elected members, senior officers and partners can monitor and challenge the performance of the council and its partner agencies pertaining to consideration of the Principles and outcomes for children in care and care leavers through the appropriate channels. This includes the Children, Education, and Safeguarding Committee (bi-monthly), Corporate Parenting Advisory (quarterly) Panel and Corporate Parenting Officers' Group (monthly).

5.8 Consultation and Engagement

- 5.8.1 Consultation and engagement with children and young people is central to social work practice and service improvement across the Safeguarding Partnership. A service user experience strategy has been developed and was launched on 19th February 2018. The strategy ensures that how we work with children and young people is child centred, that we know, understand and can capture the lived experience of children and feed lessons learnt into service improvement. We have nominated Voice of the child champions across partner agencies and within Family Services to promote and lead on the Service User Engagement agenda within their respective areas.
- 5.8.2 Our Voice of the Child Strategy Group enables the wider engagement of children and young people in service design and commissioning of provision across the partnership. This includes youth forums such as Barnet Youth Board and Youth Assembly, the SEN forum (to co-design services) and Children in Care Council (to improve the support children in care receive). The team have been working closely with UNICEF UK to deliver the Child Friendly Communities and Cities initiative. This is a global programme that aims to advance children's rights and well-being at the local level. More recently the team have had a change in staff with a newly appointed Voice of the Child Coordinator and Child's Rights Lead. The team are reviewing the current Youth Voice Offer to develop a structured action plan to focus on increasing reach and impact for children and young people in Barnet.
- 5.8.3 The Barnet Children's Services Improvement Action Plan looks to improve children's participation to ensure that all decisions and planning that affects them is influenced by their wishes and feelings. The action plan also includes actions to strengthen how the views and experiences of children, young people and their families influence service design. This feedback will also help monitor the impact of improvement activity.
- 5.8.4 Improving the quality of services to children is a key partnership and corporate priority and collective work is needed across the partnership and the council to

drive improvements. The action plan was completed in consultation with various stakeholders. Staff engagement activities have included monthly staff briefings, team meetings, staff conference. Partners have been engaged through the safeguarding partnership board. Senior leaders are members of the Improvement Board and their continued engagement is assured through core multiagency groups and specific forums such as head teacher's forums.

5.9 Insight

- 5.9.1 Data is analysed from a range of services, both internal and external, to identify needs, trends and good practice to drive improvement and meet the need of Barnet's children in care and care leavers.

6 BACKGROUND PAPERS

- 6.1 ADCS response on Use of unregulated settings
Charlotte Ramsden, Chair of the ADCS Health, Care and Additional Needs Policy Committee
- 6.2 ADCS response to APPG report on missing children – 16 September 2019
Rachel Dickinson, ADCS President
- 6.3 The Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/2828/made>
- 6.4 President of the Family Court, *Practice Guidance: Placements in unregistered children's homes in England or unregistered care home services in Wales*, November 2019
<https://www.judiciary.uk/publications/practice-guidance-placements-in-unregistered-childrens-homes-in-england-or-unregistered-care-home-services-in-wales/>