
Children's Services Scrutiny Committee - 17th March 2021

Report of the Director of Children Services

Unregulated Provision in Dudley

Purpose

1. The purpose of this report is to provide a summary and background to children's unregulated provision in Dudley. The report will provide some national context as well as information at a local level, highlighting measures taken to raise standards for young people in Dudley.

Recommendations

2. To seek assurance from the Committee that children's services are making progress within the area of unregulated placements and supported accommodation and that they continue to support our most vulnerable children and young people.

Background

Definitions

3. '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.
4. The Children's Commissioner England, drew attention to the matter after learning that some young people live in unsuitable accommodation, including caravans, boats, hotels, shared accommodation and rooms, where their health, welfare and attainment suffered.
5. Ofsted does not regulate independent living provisions for young people and it falls to the Local Authority to ensure that these placements, for example semi-independent placements like the YMCA, meet young people's needs and are safe.
6. Semi-independent provisions should be used as a steppingstone to independence, and only ever when it's in a young person's best interests. For many children, it's the right choice. Some young people 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 (Ofsted, December 2019).

7. Unregulated provision can often be confused with unregistered provision, the definition of which is below.

Unregistered provision is when a child who is being provided with some form of 'care' is living somewhere that is not registered with Ofsted. This is illegal. Once a provider delivers a care element as well as accommodation, they must register as a children's home. It's an offence not to.

8. 'Care' is not defined in law. It is about a child's vulnerability and the level of help that they need. If a child does need care, then the service they're getting is very likely to need registration as a children's home. Certainly, if children are under constant supervision then this is likely to be 'care'. It does not matter how long the child lives there for. There is a myth that if you only provide care for 28 days you do not need to register, which is not true (Ofsted, July 2019)

National Picture

9. The number of children coming into care is rising year on year. According to the Fostering Network, in May 2019, there were at least 6,800 fostering placements needed to meet local authority needs. This number has since increased.
10. In the spring/summer 2020, Dudley Metropolitan Borough Council contributed to a consultation with the Department for Education (DfE).
11. The Martin Narey 'Foster Care in England Report' 2018 identified two main reasons for shortages:
 - a. Geography
 - b. Level of need that children are presenting means that carers do not have the skills to meet the needs and more than one child cannot be successfully matched to a placement. Children's Homes too struggle to meet the complex needs and many providers are also being more selective about which children they take.
12. Unregulated supported accommodation provision often makes up for the shortfall in placements. A recent BBC report highlighted that 5,000 children in care in England are living in accommodation that is unregulated, this is up 70 percent from ten years ago. Some young people are moving to unregulated provision, as Local Authorities are being left with no alternative options. A wide Ofsted and Parliament documented and publicised a wide range of issues focusing on the quality of providers for supported accommodation and providers operating illegally as unregistered children's homes.
13. The landmark Southwark Judgement further increased the number of young people aged 16 to 17 requesting supported accommodation or care.
14. Due to the lack of suitable and available/affordable placements for children, supported accommodation providers are stepping into this void by effectively providing unregistered placements. Setting up a registered children's home can cost in excess of £1M due to the regulations of what is required by

Ofsted. Unregistered provision, whilst risking closure, are operating without having to meet the same robust requirements and standards that an Ofsted regulated provision would expect.

Local Picture

15. Table 1 shows the number of Children Looked After accommodated within Semi-supported placements on 10th January 2021. The number of young people in supported accommodation is 19. There is one young person over the age of 18, which is not reflected in the table below.

Table 1: Dudley Children and Young People in Supported Accommodation

Placement Type	Age	Female	Male	Total
Semi-Independent	16.6	1	0	1
Semi-Independent	17+	9	8	17
Total				18

16. Dudley currently have 638 looked after children (data as at 10th January 2021). The percentage of young people accommodated into semi-supported accommodation is 2.82%.
17. Dudley does not have any children under the age of 16 in semi-independent accommodation. This is a more positive picture for Dudley than many other Local Authorities regionally and nationally, where there is wider use of placing children under the age of 16 or children not of school leaving age in Supported Accommodation.
18. There are currently 12 Independent providers operating in the Borough in addition to YMCA, CHADD and Registered Social Landlords. They are difficult to track, but local authorities share information as much as possible

Safety and Leadership Oversight in Dudley

Additional Resource Panel (ARP)

19. Each week ARP monitors and tracks any child under 16 placed in supported accommodation. Currently there are no children in this cohort.
20. The Placements Team are working hard to find suitable placement options for all of our children and young people to avoid any inappropriate use of supported accommodation for this purpose.
21. Young people in high cost placements are also monitored and tracked to check progress and step down and move-on plans. Children in supported accommodation are discussed at the monthly Accommodation Panel, which looks at all children in supported accommodation or who require this type of provision.

22. Any emergency request for supported accommodation required outside of ARP is signed off by Head of Service for Children in Care and Placement Resources.

Supported Accommodation Framework

23. The West Midlands Supported Accommodation Framework is in the process of being retendered with the expectation that a new framework will be in place by July 2021. The framework covers all 14 West Midlands Local Authorities and is led by Staffordshire County Council. Reflecting the significant growth that has taken place in the market since the framework was last renewed, significant resource has been dedicated to the framework development to enable maximum assurance around the quality of providers appointed. This has included partnership working with multi-agency partners including West Midlands and West Mercia Police.

Dudley Commissioning– Supported Accommodation

24. In addition to the Regional Framework providers, Dudley Borough has provision for accommodation - from CHADD Foyer, YMCA Supported Lodgings, and YMCA Highland Road. Since 2017, along with a small number of floating support providers (voluntary sector and Registered Social Landlords), CHADD and YMCA have formed part of a “Virtual Alliance”. Co-ordinated by a Children’s Commissioning Officer the partnership approach has encompassed significant joint working with commissioned providers, Dudley Metropolitan Borough Council’s (DMBC) Housing and Care Leavers teams. Initial input was also provided by Dudley CVS. Most importantly the model also encompasses co-production with young people via a range of mechanism including Dudley Youth Council, Dudley Young Commissioners, Children in Care Council and Care Leavers Forum.
25. The Alliance has a formal Terms of Reference which were implemented in January 2019 and has formal chairing arrangements (Chair currently held by Chief Executive of Churches Housing Association Dudley and District - CHADD) provider. Funding was also secured via DMBC’s Voluntary Sector Innovation Fund to pilot an Alliance Co-ordinator post to assist the process of providers working seamlessly as part of an integrated model.
26. The development of the Virtual Alliance has helped to establish a number of improvements including:
- Better oversight, understanding and coordination of provision.
 - Improved partnership working between both providers and DMBC directorates – young people receiving support from the most appropriate organisation.
 - Young people have support which is better planned around their individual needs, is flexible and allows them to engage with a number of agencies, but without having to tell their story several times. There is a single support plan owned by the young person.
 - Improved understanding of the complexities that a young person may experience once they turn 18, and a mechanism for effective dialogue around how these needs can be met through and post transition.

- Significant reduction in the number of young people being evicted through establishing an Intervention Panel process, that involves collaborative discussions with multi-agency partners and the young person to address concerns at an early stage.
 - Providers now working more flexibly delivering support during evenings and weekends.
 - Establishing a more flexible operating model in terms of applications to/for DMBC Housing, and changes in housing procedures that support more timely access and security of tenure.
 - Floating support hours being used to provide wrap-around to supported accommodation placements commissioned via the West Midlands framework and/or spot purchasing, thereby reducing costs incurred on Children's Services placements budget.
 - Enhanced co-operation between members of the Virtual Alliance has reduced competition for funding and enhanced opportunities to access external funding.
27. There is an aspiration and strong commitment from all partners to continue to build the Virtual Alliance, which has already received national recognition as a finalist in the Children and Young People Awards, (outcome still pending due to postponement as a result of Covid 19). In addition to the Virtual Alliance, YMCA as part of their developmental work in the borough have established more accommodation through Dudley Housing as part of their Affordable Housing project, and works with the authority to look at developing and enhancing the accommodation for young people.
28. CHADD are exploring opportunities to develop and enhance their offer of accommodation within the Borough. The Chief Executive of CHADD has close working relationships with Housing and Commissioning in terms of exploring and seeking opportunities for development.
29. Gaps in provision and areas for development have been identified through existing work streams, this will include the exploration of external funding opportunities with Home England's in relation to developing the accommodation portfolio going forward based on needs identified, below:
- Young parents' provision.
 - Shared accommodation for young people that are not quite ready for independent living.
 - Affordable accommodation (single accommodation) for young people.
 - Supported Accommodation.
30. We currently have a mixed provision. Almost 50% of our provision is with a commissioned provider that is part of our supported accommodation alliance, which provides good support to our young people and is cost effective in comparison to other supported accommodation providers.
31. Accommodation can be sourced through Dudley's own Housing department for young people aged 16 and 17. This gives Dudley more control in relation to both the cost and quality of provision. It also means more consistency for our young people as they can take on the tenancy for that property in their own right once they reach 18 and are eligible to access housing benefit

(where required). For any young person placed in DMBC Housing, additional support can be provided through the floating support contracts that form part of the Virtual Alliance model.

Commissioning and the Role of the Quality and Safety Officer

32. The Children's Quality and Safety Officer provides a crucial link with various professionals and agencies to gather regular intelligence through a range of forums. This includes Safer Places and Rogue Landlords Meetings. These forums have been particularly effective in building intelligence on new providers that have established themselves in Borough without notifying Children's Services or Commissioning, and are hosting young people placed by other local authorities. Through these forums joint working with police and colleagues in Planning and Housing (e.g. Anti-social behaviour Officer) has been particularly evident, with numerous recent examples of effective partnership meetings with unregulated providers to raise and address concerns.
33. The Clinical Commissioning Group (CCG) shares information placements made by other Local Authorities within Dudley. All placing authorities also have a responsibility to inform other local authorities when placing a child in their area.
34. The Children's Quality and Safety Officer based within the Integrated Commissioning Hub regularly visits, monitors and quality assures supported accommodation provision, both in and out of the Borough. This provides a crucial link for both the Placements Service and Social workers when making decisions about safe accommodation for young people. Where areas of concern or areas for improvement are identified, the provider is issued with a detailed action plan and is supported to respond to and evidence compliance with plan as soon as possible. During the Covid 19 pandemic when physical visits have been more challenging, processes have been adapted to ensure rigorous 'virtual' quality assurance continues.
35. Social workers are required to undertake statutory visits to children, see their accommodation and see their bedrooms. Independent Reviewing Officers also have a pivotal role in reviewing and monitoring arrangements of young people in supported accommodation.
36. The Quality and Safety Officer attends the West Midlands Quality Assurance Group, which covers the 14 local authorities, intelligence is shared within this forum about the quality of different providers. Each local authority has responsibility for ensuring poor providers are not used and that concerns are flagged on the Placements Portal with warnings.
37. Dudley receives daily notifications of provisions and providers where a warning has been placed on the Placement Portal and Ofsted by a local authority. Dudley's Placements Team and Commissioning will match any offer against the Portal to ensure that placements are safe.

Placements Business Case

38. The Placements Service business case to develop the team has been agreed by Children's services. Approximately £20 m of spend goes through the team each year and currently supported accommodation is projected at £1.8M. The team have been under resourced and underperforming. However, since November 2020, the team has gained an experienced and permanent full-time senior and two experienced and permanent full-time placement officers. The business case also secured for the team its own business support officer. A further business case was made in November 2020 for a permanent Team Manager for the Placements Team, which was agreed, and interviews took place in early January 2021.
- 39 The new permanent establishment will offer stability and will ensure the team is fit for purpose and is more able to find and source local provision that meets the needs of our children. This should reduce the reliance on supported accommodation, where it isn't needed, as well as make sure it is of good quality and value for money when it is required.

Finance

- 40 There is a great deal of variance between the cheapest supported accommodation and the most expensive at £4,320.00 per week (as at November 2020). This highlights the range of support levels, where a young person can live more independently with floating support, through to a placement, where a young person may require more intensive support and staffing. Our most expensive placements are usually for young people who are involved in gangs and/or county lines and are open to the Youth Offending Service. Costs are high as young people can often pose a risk to themselves and others and staffing can sometimes be on a 2:1 basis. Many children's homes will not accommodate young people who present these risks due to the safety of other children living there.

Table 2: Supported Accommodation Costs

Cost Type	Spend
Average Weekly Cost	£1,351.00
Current Annual Cost	£1,823,100

Children's social care are reviewing with both finance and the placements team all children's supported accommodation placements, and identifying any potential reduction against the existing overspend and for the future. In the period between October and November 2020, projections have reduced by £70k due to this work.

Law

41. The Law does currently allow for unregulated provision.

Equality Impact

42. Care Experienced Young People face discrimination and marginalisation by virtue of having grown up in care. Young People do not always have the option for cultural matches to available placements, thus links to their identity, ethnicity, race and culture can get lost. 22% of Dudley's care leavers are from black, Asian and other ethnic minority groups. 9 young people are Asylum seeking and were unaccompanied minors.
43. Social workers and Young Person Advisors assess disability, sex, gender, gender identity, race, religion and belief systems, sexual orientation, pregnancy and maternity as part of Pathway Needs assessments that are updated every six months. The aim is to develop independence and signpost to services and support as required.

Human Resources/Organisational Development

44. There are no Human Resources or Organisational Development implications arising from the report

Commercial/Procurement

45. There are no commercial or procurement implications to be considered

Health, Wellbeing and Safety

46. The use of unregulated provision does have links to the health and safety of children and young people. As highlighted in the report the council is working hard to ensure a range of effective commissioning and monitoring arrangements are in place to ensure our children in Dudley have good standards of accommodation in which to live. Regular reviews and the desire to strive for improvements in Dudley, show the Council's aspirations and evidence good practice both locally and nationally



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List of Background Papers

Foster Care in England Report (2018) Sir Martin Neary and Mark Owers (2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679320/Foster_Care_in_England_Review.pdf

State of the Nation's Foster Care Report, Kate Lawson and Robert Cann (2019)
<https://www.thefosteringnetwork.org.uk/policy-practice/research/state-nations-foster-care-2019>