

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children, Adults, Health and Wellbeing Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	10 th March 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Children in Care and Unregulated Placements	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

- 1.1 The Children, Adults, Health and Wellbeing Policy Development and Scrutiny Panel have asked for report on the use of unregulated placements within B&NES.

2 RECOMMENDATION

The Panel / Committee is asked to;

- 2.1 Note the report which details the current approach to placements, to include those which are unregulated across B&NES.

3 THE REPORT

- 3.1 Not all settings in which 'looked after' children live are subject to regulation. To understand what constitutes an unregulated setting it is useful to understand what a regulated residential setting is. The Care Standards Act 2000 defines a regulated residential children's home as an establishment that provides 'care and accommodation' 'wholly or mainly' for children. The only other form of regulated setting in addition to children's homes are foster placements.
- 3.2 Therefore, an unregulated setting provides accommodation and support but not care. The law does not set out what care is, but there are some simple rules to apply. Administering medication, cooking for young people and shopping for them will constitute care. Whereas assisting young people to learn these skills will constitute support. If a provider crosses the line and provides care on an

ongoing basis, the accommodation will become an unregistered children's home and will be illegal. Unregulated supported 'living' accommodation comes in all sort of shapes and sizes and are places where young people (usually 16 and 17-year-olds) can live and receive support as part of transition to full independence.

- 3.3 There is much recent media attention and discourse in relation to the use of unregulated placements and accommodation for children. The BBC (Panorama) published their findings of an investigation into this issue in September 2020, and The Guardian newspaper reported in December 2019. Both reports raised concerns about the quality of accommodation, support provided by staff, as well as risks associated for children, i.e. exploitation.
- 3.4 Parliament has currently determined that some services should sit outside that regulatory framework. As from the 12th February 2020 OFTED are undertaking an open consultation regarding 'Unregulated provision for children in care and care leavers.
- 3.5 In B&NES we currently have 3 young people placed in unregulated placements, all of whom are between the ages of 16-18 years and have an allocated social worker. This number can sometimes change daily, depending on the needs of children within the service. Historical data shows; March 2019 – 6, June 2019 – 8, and December 2019 – 3.
- 3.6 It is important to note that our aspiration in B&NES is that no child will be placed in an unregulated placement. However, at times these placements are a necessity due to the young person's needs and specific circumstances, i.e. risks presented and their wishes and feelings. This falls within our Corporate Parenting principles and B&NES Corporate Strategy: Improving People's Lives. It is recognised that some of our most vulnerable and high-risk young people in B&NES are sometimes best supported in this type of provision. These decisions are not taken lightly, and agreement must always be sought from Head of Service, with Agency Decision Maker sign off.
- 3.7 Following a focussed visit in November 2019 OFSTED reviewed arrangements for young people over 16 years and Care Leavers, stating; *"the oversight of commissioned accommodation, including unregulated provision, is rigorous and results in additional support to keep young people safe"*.
- 3.8 The Placements, Commissioning and Contracts Team (PCCT) have a preferred provider list for 16+ accommodation and support providers that has been tendered through a dynamic purchasing system, in partnership with three other local authorities. All providers have been checked in terms of policies, finances and quality, and references have taken. In all there are 33 providers who have qualified to be on the list. NB: 9 other providers have applied but failed to meet the requirements. From the list B&NES tend to purchase services from less than four of the providers with whom we have built up a trusting relationship. Working as a partnership with other LAs also allows us to get feedback on the quality of providers in the actual delivery of service.
- 3.9 As of result of this preferred provider list process the participating local authorities have held a purchaser/event at the Guildhall with Michelle Oxley, Lead Registration Officer and Lead for unregulated placement giving a presentation. This was a well-attended event with over 20 of the providers and 4

LA's who discussed the boundaries of this provision as well as ways forward to best work together to safeguard young people in placements.

- 3.10 PCCT also email social workers when they are making a 16+ unregulated placement in order to ensure they understand the implications for the young person;

Dear social worker,

You have requested a 16+ semi-independent placement for your young person, and we wanted to make you aware of a few points about this kind of provision:

- These placements aren't inspected by Ofsted and are therefore 'unregulated'.*
- They are known as 'other arrangements' in the context of residential care.*
- The Children Act 1989 guidance and regulations: Volume 2: care planning, placement and case review: June 2015: 3.116 to 3.142 should be considered prior to placement*
- They don't provide 'care' i.e. cooking meals, administering medication, shopping for the YP but will support YP in all these things.*
- There is no requirement for the provider to organise outings / activities, etc.*
- Staffing levels can be from 5 hours a week to 24/7, with or without staff sleep-ins, depending on the needs of the YP.*
- Staffing levels dictate the price from £998 to £3,300 per week.*
- There is no set format for feedback from the provider, so let them know your requirements at the pre-placement meeting.*

It's advisable to let your young person know what to expect:

- The YP will receive a weekly allowance of around £57 which needs to cover the following: food, toiletries, clothing, mobile phones and a bus pass.*
- The YP will be supported in food shopping and cooking meals.*
- The provider will offer support in attending college, work, training etc but not necessarily transporting them.*
- The provider won't be offering 'paid for' activities.*

As these placements can be quite bespoke, it is strongly advised to have a pre-placement planning meeting to ensure everyone is clear about what service the YP will be receiving. Any service and subsequent cost over their base-line provision should be relayed back to Commissioning, for authorisation from the Service Manager and inclusion in the contract.

- 3.11 A formal practice review meeting was held in June 2019, due to increase in the use of unregulated placements, both nationally and locally within B&NES. Oversight was provided by Cllr Kevin Guy, Ian Tomlinson (Commissioning Manager), Rachael Ward (Head of Service), and Charlotte Culblait, Deputy Team Manager (DTM) and Lead for Care Leavers. This meeting agreed the

following minimum practice standards for young people in unregulated placements: -

- Risk assessment relating to the placement and identifying support to be included in package of care – Social Worker
- Annual contract review meeting with providers ensuring all have completed an annual safeguarding audit – Ian Tomlinson
- Visits to children will meet minimum standards as per LAC guidance and is likely to increase due to specific needs and current risk – Social Worker
- Regular LAC reviews in line with statutory guidance – Independent Review Officer (IRO)
- IRO's will have oversight of the provision, the placement and the plan
- Manager's oversight within supervision regarding day to day experience of young person – DTM/Team Manager (TM).
- Head of Service will undertake a quarterly review of Looked After Children – Rachael Ward.

3.12 In August 2018 Cllr Kevin Guy wrote to all young people who were placed in unregulated placements offering to meet with them to hear and see for himself that their home is safe and appropriate and meets the child's needs. These were delivered by hand and discussed by the child's PA, and no young people wished to take up this offer.

3.13 In addition to the above the Head of Service and the Deputy Safeguarding Lead meet bi-monthly to review all unregulated placements, providing additional quality assurance and oversight. All placements are commissioned via the Childcare Purchasing Team who keep an up to date spreadsheet, enabling monitoring.

4 STATUTORY CONSIDERATIONS

4.1 The provision of placements is a statutory requirement for the Local Authority in circumstances where children do not have any alternative safe place to live. Where children are subject to a Care Order, this statutory duty is relevant until they are 18 years old.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 Placements are identified depending on the child's assessed need. Aside from the cost of the placement, additional funding may also be agreed relating to supervision and support. This marketplace is more flexible in terms of the support B&NES purchase from the provider for the young person by comparison to residential children's homes. Support can be tailored from a few hours per week to a 24/7 service. All placements are included in the Council financial forecasts and are reviewed in accordance with statutory guidance.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance, see above for full details.

7 CLIMATE CHANGE

- 7.1 The council has declared a climate emergency and has resolved to enable carbon neutrality in B&NES by 2030. When considering any placement for a child, including unregulated placements, we will seek to accommodate children within B&NES, therefore avoiding unnecessary travel for the child, their family, the social worker and other professionals.

8 OTHER OPTIONS CONSIDERED

- 8.1 As stated above the use of unregulated placements will only occur when all other options have been explored.

9 CONSULTATION

- 9.1 This report has been co-authored by Rachael Ward, Head of Service, and Ian Tomlinson, Commissioning Manager. No wider consultation has taken place.
- 9.2 Placements are made following consultation and discussion with the child, their family (where we can), and other professionals involved, including partner agencies. Children in care have the right to an advocate who will (when appropriate) represent their views to the Local Authority.

Contact person	Rachael Ward (01225 477914) and Ian Tomlinson (01225 477878)
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	