

Summary Sheet

Commissioners Decision Making Meeting Report

Title: St. Edmund's Children's Home

Is this a Key Decision and has it been included on the Forward Plan?

Yes, it is a key decision

Strategic Director Approving Submission of the Report

Ian Thomas - Strategic Director of Children's and Young People's Services

Report Author(s)

Jane Parfremment – Assistant Director, Safeguarding

Ward(s) Affected

All

Summary

1. Rotherham Council is reviewing the care offered across the whole of its residential care service for young people in order to ensure all those looked after by the authority receive the best possible care.
2. The local authority currently has four operational children's homes. St. Edmund's is one of two operating homes which provide long-term care for male and female young people with emotional and behavioural difficulties. The maximum number of placements is six, and there are currently two young people living there. St. Edmund's is currently rated by Ofsted as 'inadequate' following an inspection in October 2015.
3. Robust action has been taken by management in order to improve this service following the Ofsted Inspection in October 2015. Despite this following on from the intervention and a period of intense scrutiny, within which we considered whether the service was able to sustain delivery of high quality care, there has been compelling evidence that the service cannot satisfactorily meet the needs of the young people the council needs it to provide for. This evidence was presented in a report to Commissioner's decision making meeting on 7th December 2015.
4. In consideration of the above, on 7th December 2015 The Commissioner (Social Care) agreed a proposal that the Council should consult on a proposal to undertake a planned closure of St. Edmund's Children's Home by no later than the 31st January 2016.

5. This report provides the outcome of the consultation and recommends that closure of St Edmund's Children's Home by 31st January 2016 is approved.

Recommendations

That the responsible Commissioner:

1. Notes the specific management actions that have been taken to improve St. Edmund's Children's Home as identified in the report of the 7th December 2015.
2. Notes that despite management action and some evidence of improvement to secure the immediate safeguarding needs of the young people who live there, St. Edmund's Children's Home has only provided limited assurance in relation to longer term sustainable improvement.
3. Notes that although St. Edmund's Children's Home has the physical capacity for up to six placements the council is unable to move more young people into the home because of its inability to meet the needs of young people with more complex issues. This issue has meant that we have had to move young people out of the borough.
4. Notes the consultation feedback received as detailed in Appendix 1 and summarised in the body of the report and agrees that this is provided as additional evidence to inform the overarching commissioning review of children's residential homes and leaving care provision that was launched in November 2015 and is due to conclude at the end January 2016.
5. Notes the Equality Impact Assessment as detailed in Appendix two.
6. Approves the closure of St. Edmund's Children's Home by 31st January 2016

List of Appendices Included

Appendix 1- Consultation Feedback

Appendix 2- Equality Impact Assessment

Appendix 3 – Comparative unit costs

Background Papers

- Children's and Young People's Service Improvement Plan, 2015
- RMBC Looked After Children and Care Leavers Placement Sufficiency Strategy 2015-2018.
- Commissioner Decision Making Report- 7th December 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Council Approval Required

Commissioner decision

Exempt from the Press and Public

No

Title: St. Edmund's Children's Home

1. Recommendations

That the responsible Commissioner:

- 1.1 Notes the specific management actions that have been taken to improve St. Edmund's Children's Home as identified in the report of the 7th December 2015.
- 1.2 Notes that despite management action and some evidence of improvement to secure the immediate safeguarding needs of the young people who live there St. Edmund's Children's Home has only provided limited assurance in relation to longer term sustainable improvement.
- 1.3 Notes that although St. Edmund's Children's Home has the physical capacity for up to six placements the council is unable to move more young people into the home because of its inability to meet the needs of young people with more complex issues. This issue has meant that we have had to move young people out of the borough.
- 1.4 Notes the consultation feedback received as detailed in Appendix one and summarised in the body of the report and agrees that this is provided as additional evidence to inform the overarching commissioning review of children's residential homes and leaving care provision that was launched in November 2015 and is due to conclude at the end January 2016.
- 1.5 Notes the Equality Impact Assessment as detailed in Appendix two.
- 1.6 Approves the closure of St. Edmunds Children's Home by 31st January 2016

2. Background

- 2.1 Rotherham Commissioners have laid out a clear vision and determination to help the council secure a safe environment for young people and ensure good, sustainable services and regulation to restore healthy democratic leadership and accountability.
- 2.2 The vision is for Rotherham Children's and Young People's Services to be rated as outstanding by 2018, based on a robust service improvement approach. A key action is to ensure that there are enough local placements of good quality that are able to meet the needs of our looked after children.
- 2.3 The Rotherham Metropolitan Borough Council Looked After Children and Care Leavers Placement Sufficiency Strategy 2015-2018 identified that too many Rotherham looked after children live in residential care, most of whom are placed out of the Borough, and that to address this issue we need to have more children in family based placements and to ensure that our residential homes are equipped to respond to children with more complex needs.

3. Key Issues

- 3.1 Prior to October 2015 the council had five children's homes however one of these homes, Woodview, ceased delivery as a result of concerns regarding the level of care it provided to the young people who lived there. St. Edmund's is now one of four homes currently operated by Rotherham Metropolitan Borough Council; two of which provide long-term care for male and female young people with emotional and behavioural difficulties.
- 3.2 The maximum number of placements in St. Edmund's is six, however there are currently only two young people living there; both over the age of 16. Since July 2015 the home has frequently been under occupied and has consistently struggled to meet the combined needs of the children who have lived there. In August 2015 this resulted in a young person moving out, reducing occupancy to three. In October 2015 another young person left the home, because the home was unable to meet their emotional needs.
- 3.3 Ofsted inspections award four ratings at a Full Inspection: Outstanding, Good, Requires Improvement, and Inadequate. Following an Ofsted full Inspection on 12th October 2015, St. Edmunds was graded inadequate.
- 3.4 Robust action has been taken by management in order to improve this service following the Ofsted Inspection in October 2015. Evidence was presented in a report to Commissioner's decision making meeting on 7th December 2015 that despite intervention and a period of intense scrutiny, there was compelling evidence that the service cannot satisfactorily meet the needs of the young people the council needs it to provide for. The evidence clearly shows that the home is:
 - Unable to understand and abide by the regulations
 - Unable to follow management instruction without direct oversight
 - Unable to recognise and respond to signs of emotional distress and vulnerability in the young people who live at the home
 - Unable to prioritise the needs of the young people over their preferred methods of working
 - Not demonstrating sufficient basic knowledge of adolescent development and issues, despite training
 - Unable to produce the required quality of recording without direct management oversight, necessitating frequent rewrites, cross-checking and remedial action
- 3.5 All of the above is despite the additional support given and with the home operating at a third of capacity and much below the level of complexity of

need within the statement of purpose. The nature of a residential home is such that you have to rely on all staff to identify, respond, communicate and record issues as they arise. The needs of young people in residential care fluctuate, and a crisis for that young person can occur at any time of day or night. It is not possible for the manager to be within the home 24 hours a day, seven days a week to oversee every staffing action. The staff team has to be resilient and skilled enough to have strength in depth. This is not currently the case at St. Edmund's, although there are some good and caring staff members.

- 3.6 Further issues of concern were identified during a visit by the Strategic Director of Children's and Young People's Services on the 18th November 2015. The issues were immediately fed back and responded to by the Assistant Director of Safeguarding, who undertook a deep-dive review and accelerated the ongoing assessment of improvement as described in paragraph 3.8. As a consequence on the 23rd November 2015 the Assistant Director provided a recommendation to the Interim Strategic Director that consultation should commence on closure of the home.
- 3.7 On 7th December 2015 the Commissioner for Children's Social Care approved a recommendation that consultation be commenced on a proposal to undertake a planned closure of St. Edmund's Children's Home by no later than 31st January 2016.
- 3.8 Consultation has been undertaken in line with the process outlined in the body of this report. Feedback received during the consultation period is detailed in section five and Appendix one.
- 3.9 A range of consultation opportunities were offered to relevant stakeholders to provide, and have their views considered, on the proposed closure of St Edmund's Children's Home. In total two young people and nine, of 16 staff, directly contributed feedback through the methods provided.
- 3.10 The young people who are resident in the home are disappointed that they would lose what they perceive to be a stable and supportive staff group should the home close, and expressed a preference that it stay open and they remain at the home until independence. Despite this, both have actively participated in planning for alternative care should the decision be made to close the home and are optimistic about the potential alternative plans for them.
- 3.11 Staff are disappointed that their efforts to improve the home would be in vain should it be closed and feel that improvements have been made to the standards. However, almost all staff indicated a view that the delivery model for provision needs to be changed with most suggesting a move to provision of smaller homes of two or three beds. There is consistent acceptance that the home was too big to meet the needs of complex young people.

- 3.12 The alternative to closure proposed by some staff is a transition from the current premises to new smaller homes, with either a transfer of all existing staff or natural reduction of the staff team through voluntary severance. None made representations that the home should continue in its current form long term.
- 3.13 As outlined in the background report to The Commissioner of 7th December 2015, despite action taken to ensure the immediate safeguarding needs of the children are met, the home is currently not providing a good enough standard of care and the continued low occupancy of this home does not provide value to the council. None of those consulted directly expressed the view that the home should close but the consultation did not provide any compelling evidence that the home should continue to function in its current form in the short to medium term, and consequently it is recommended that planned closure is progressed.

4. Options Considered and Recommended

4.1 To close the home with immediate effect

Immediate risks to the young people who live there have been addressed, so this is not necessary and it is a legal requirement to undertake consultation and planning for the young people. This option is not recommended.

4.2 To continue to run the home with improvement action

As outlined in the report despite action taken to ensure the immediate safeguarding needs of the children are met the home is currently not providing a good enough standard of care nor is there evidence that the home should continue to function in its current form in the short to medium term. The continued low occupancy of this home does not provide value to the council as identified in Appendix three. This option is not recommended

4.3 To proceed with planned closure of St. Edmund's Children's Home

The report, in particular at paragraphs 3.3 to 3.6 has set out the evidenced issues in relation to the home and the subsequent management response to those identified issues. The report also outlines the consultation process undertaken and the outcome of that consultation. As indicated the consultation has highlighted factors that the council needs to take into account when deciding whether or not to proceed to closure of the home. It is noteworthy that staff who contributed to the consultation expressed a view that the model of delivery for residential care generally should change.

Despite the additional support provided to the home in terms of a significant investment of expertise and capacity, it is suggested that it remains the case that the issues with the home are deep seated and it is not able to improve to the required standard quickly. None of the feedback from the consultation exercise provides any compelling evidence to alter the proposal that closure of the home should occur. The consultation exercise has confirmed that the preference of the two current residents is to remain at the home and it is acknowledged that the closure of the home may lead to some short term disruption for the residents. However, in making a decision in this matter, the interests and welfare of the two residents and other potential future residents is

paramount to the Council, and it is suggested that any short term disruption to the current residents would be far outweighed by the longer term benefits to the residents if they were moved to different placements which can provide a better quality of care. Therefore, taking into account all the relevant information set out in this report, the option to proceed with the planned closure of the home is recommended.

Notwithstanding the decision in this specific matter, it is also recommended that the consultation feedback should be provided as additional evidence to inform the overarching commissioning review of children's residential homes and leaving care provision that was launched in November 2015 and is due to conclude at the end January 2016.

5. Consultation

5.1 As a matter of public law and Council policy, any proposal to close a facility will require a reasonable period of engagement and consultation with those affected by such a proposal. The latest government guidance on consultation principles confirms that the governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken, and thought needs to be given to achieving real engagement rather than merely following a bureaucratic process. The statutory guidance indicates that the period of consultation will usually last for between 2 and 12 weeks. The amount of time required for a consultation exercise should be decided on a case by case basis, and depends on the nature of the proposal, for example the diversity of interested parties or the complexity of the issue, the capacity of groups being consulted to respond or external events. With this in mind officers consulted with the following stakeholders and interested persons:

- Children and young people who are resident at the home (assisted by an independent advocate, if required)
- Parents, carers and connected persons of the above;
- Independent Reviewing Officers
- The staff employed within the home and their trade unions

As a result of the Equality Impact Assessment (Appendix three), consultation letters were also delivered to close geographical neighbours to the home.

The purpose of the consultation was to garner the views and preferences of the consulted on the proposal and its implementation, and to understand whether there are were any possible unintended adverse consequences of the proposal.

5.2 In all the circumstances, and taking into account the holiday period, a period of 4 weeks consultation was agreed as proportionate and reasonable in this matter. The timetable of consultation undertaken is outlined below:-

- On 1st December 2015 the two young people resident in the home were advised of the intention to seek Commissioner's approval on 7th December 2015 to begin formal consultation on its closure
- On 1st December 2015 staff employed in the home and their trade unions were informed of the intention to seek Commissioner's approval on 7th December 2015 to begin formal consultation
- On 1st December 2015 parents, close family members, IROs and advocates for the two young people resident in the home were informed of the intention to seek Commissioner's approval on 7th December 2015 to begin formal consultation
- Consultation opened on the 7th December 2015 and closed at midday on the 4th January 2016.
- A range of methods were used for consultation. A consultation feedback report is attached as Appendix one.

5.3 Findings

i) ***Children and young people who are resident at the home***

In order to give a full opportunity for the young people to contribute to the consultation on, 1st December 2015 they were informed during one-to-one sessions with their allocated social workers of the intention to seek Commissioner's approval on the 7th December 2015 to begin formal consultation on closure of St. Edmund's Children's Home. In addition both young people have met with the Assistant Director of Safeguarding twice during the consultation period to express their views and at their request, both young people were provided with written information and offered the opportunity to provide their views on the consultation in writing by 4th January 2016.

The young people have allocated advocates from the Rights2Rights service, and the advocates have worked with them to provide an opportunity to feed their views into the consultation and take up matters on their behalf.

Responses were gained from the two current residents, and a previous resident was offered the opportunity to contribute but declined to comment. Their feedback is contained in full in Appendix one and summarised below:-

- Both young people communicated that the period of consultation was too long and created additional anxiety and confusion for them.
- Both young people expressed that they feel staff at St. Edmund's care for them and have provided them with stability.
- They are concerned about what will happen to the staff
- Both young people would prefer to remain at St Edmunds but believed that the home was likely to close due to the Ofsted findings and that the home had not had enough young people in it for some time.
- Both young people expressed the view that some looked after children are better suited to residential care.
- Both young people had views about their potential future placement options and this has been taken into account.
- Both young people see some advantages in their proposed new placements should St Edmund's be closed.

ii) ***Parents, carers and connected persons of the above;***

Parents were consulted through meetings with the allocated social workers for the current residents, statutory review processes and a telephone consultation session with the Interim Head of Service for Looked After Children.

Parents for both current residents were concerned that closure would mean another move for their child and one parent questioned the future impact of reducing placement availability in the area.

One parent reported finding the consultation and prospect of closure stressful and they cited the impact on the wider family and the child.

Parents of both current residents felt that St Edmund's had provided a good service for their children and appreciated the support of the staff. They questioned the need for closure.

iii) ***Independent Reviewing Officers***

Both current residents have the same Independent Reviewing Officer. The IRO has been fully involved in the planning and options appraisals for the young people. He has expressed his satisfaction with his involvement and the planning but has indicated that he has no further view regarding the proposal to close St. Edmund's.

iv) ***The staff employed within the home and their trade unions***

In order to give a full opportunity for staff to contribute to the consultation a variety of methods of consultation have been utilised. On 1st December 2015, staff employed to work in the home and their trade unions were informed of the intention to seek Commissioner's approval on 7th December to begin formal consultation on a proposal to close the home. Staff have been provided with written information and offered the opportunity to provide their views on the consultation in writing by 4th January 2016. In addition, the staff team were offered individual consultation meetings in the week commencing 14th December 2015 and the opportunity to attend a group consultation session with the Assistant Director of Safeguarding on 21st December 2015.

In total 9 (of 16) staff contributed their views with some using more than one method five staff provided their views in writing, eight staff attended individual consultation sessions and two staff attended the group consultation session with the Assistant Director. Their feedback is contained in full in Appendix one and summarised below:-

- Some staff acknowledged that up to the Ofsted inspection in October 2015 they had not been able to meet the combined needs of the young people placed as well as they themselves would want.
- The staff expressed the view that the improvement activity that has occurred at the home has resulted in improved record keeping and standards, with some staff expressing the view that they had made sufficient improvements to move towards a 'good' Ofsted rating.
- Staff felt that having two residents in recent months has allowed them to provide more focused and individualised care.

- The above has resulted in some staff expressing a view that the size and structure of St. Edmund's is not conducive to providing the level of care they aspire to i.e. it is hard to get a good match and mix of young people when all beds are occupied and hard to individualise the responses to those young people.
- Some staff recognised that the current arrangement was not sustainable given the under occupancy and the cost of running a home of this size.
- Staff have expressed a view that family care does not suit every child or young person and that future planning should consider provision based on 2 or 3 bed residential children's homes in the area so those children and young people whose needs are better met in a residential home can stay in Rotherham.
- A number of staff members indicated that a transition to an alternative delivery model over time should occur rather than a closure which would allow retention of staff and the current residents to move together.
- All staff wanted to be able to support the two residents to make the transition from St Edmund's should the decision be made to close the home.
- Most staff wanted the opportunity to be considered for alternative employment within then council should the decision be made to close the home.

v) ***Close geographical neighbours to the home***

Letters were hand delivered to the closest neighbours to the property to ascertain any concerns they may have should the home cease operation as a children's home. No responses were received.

6. Timetable and Accountability for Implementing this Decision

- 6.1 On 7th December 2015 the Commissioner for Children's Social Care approved a proposal that the Council should consult on a proposal to undertake a planned closure of St. Edmund's Children's Home by no later than the 31st January 2016.
- 6.2 Consultation opened on the 7th December 2015 and closed at midday on the 4th January 2016.
- 6.3 On 12th January 2016 the Commissioner for Children's Social Care will consider the proposal to proceed with closure of St. Edmund's Children's Home.
- 6.4 Subject to Commissioner's decision Ofsted will be notified in writing of the decision to cease operation in line with Regulation 49 of the Children's Homes (England) Regulations 2015
- 6.4 Subject to Commissioner's decision St. Edmund's Children's Home will close by no later than 31st January 2016.

7. Financial and Procurement Implications

- 7.1 The current Net Revenue Budget for the home is £529,737. This includes a premises budget of £13,500.

The current forecast outturn position for the financial year (at November 2015) is a total overspend of £126,000, attributable to additional agency staffing and additional management support.

- 7.2 The projected average unit cost for the home over the current financial year is £2,300 per week. However, the current unit cost based on present low occupancy of St. Edmund's Children's Home is £5,532 per week. This does not represent good value for money and due to the current concerns about the standard of provision at St. Edmund's Children's Home it is not possible to admit more residents, consequently the unit costs will continue at this level if the home remains open.
- 7.3 The two young people who left St. Edmund's in the summer of 2015 were placed in independent residential children's homes with an average weekly unit cost of £2,824 per week.
- 7.4 Contingency planning activity for the existing residents of St. Edmund's Children's Home has identified that the needs of one young person could be met in alternative internal residential provision and the other in foster care. Consequently the total cost per week for alternative placements for these two young people would be approximately £3,017 per week this would equate to a cost avoidance of £418,444 for a full year if the home was closed.
- 7.5 Attached at Appendix three is a summary of comparative unit costs by provision type

8. Legal Implications

- 8.1 In addition to the legal requirements for robust consultation as set out in section five, the council has to ensure it complies with its duties under the Equality Act 2010. Under section 1 of that act the council must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. In addition under S149 of the Equality Act the council must comply with the public sector equality duty which requires it to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 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.

In dealing with this duty, the Council must have due regard in particular, to the need to:

- (i) Remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic
- (ii) Take steps to meet the needs of people who share a relevant protected characteristic that are different to the needs of persons who do not share it
- (iii) Encourage persons who share a relevant characteristic to participate in public life or any other activities where their participation is disproportionately low

Protected characteristics include disability, age, race, sex, religion or belief, gender reassignment, marriage and civil partnership, pregnancy/maternity and sexual orientation.

8.2 The Commissioner's attention is drawn to the equality duties. An equality impact assessment is attached as Appendix two to assist the Commissioner's final decision making process.

8.3 Children's Homes are registered with Ofsted and therefore their activities are regulated. Regulation 49 of the Children's Homes (England) Regulations 2015 requires the responsible individual and/or the registered person, i.e. the children's home registered manager, to give notice in writing to Her Majesty's Chief Inspector of Ofsted as soon as it is practicable to do so if a registered provider proposes to cease to carry on or manage the Home.

9. Human Resources Implications

9.1 There are 16 members of staff (11.72 FTE) at the home who may be affected by the proposal, and the council's usual policies and consultation processes will apply i.e. seeking to avoid redundancy through redeployment where possible.

9.2 On 1st December 2015 staff employed to work in the home and their trade unions were informed of the intention to seek Commissioner's approval on 7th December to begin formal consultation.

9.3 Staff have been provided with written information and offered the opportunity to provide their views on the consultation in writing by 4th January 2016.

9.4 Staff have had the opportunity to submit their views via their union representatives.

9.5 Staff have been offered individual consultation meetings week commencing 14th December 2015.

9.6 Staff were offered the opportunity to attend a group consultation session with the Assistance Director, Safeguarding on 21st December 2015.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 There are currently two young people aged 16+ who are residents at St. Edmund's Children's Home. They have been consulted on their views and options for future placements as part of this proposal.
- 10.2 On 1st December 2015 young people resident in the home were given notice of the intention to seek Commissioner's approval on the 7th December 2015 to begin formal consultation through one-to-one sessions with their allocated social workers.
- 10.3 Both young people have met twice with the Assistant Director of Safeguarding during the consultation period to express their views.
- 10.4 At their request both young people were provided with written information and offered the opportunity to provide their views on the consultation in writing by 4th January 2016.
- 10.5 The young people have allocated advocates from the Rights2Rights service, and the advocates have offered them to provide an opportunity to feed their views into the consultation and take up matters on their behalf.
- 10.6 The Independent Reviewing Officer (IRO), for each young person has been involved in the planning. The IRO has a statutory duty to ensure that the young person's needs are taken into account.

11. Equalities and Human Rights Implications

- 11.1 The council must comply with its duties under the Equality Act 2010, as set out in section 8 above. In addition, the council has a duty to fully consider the human rights implications for residents, staff and future looked after children. A completed Equality Impact Assessment is contained as Appendix two.
- 11.2 Key issues identified are contained within the action plan of Appendix two those identified as relevant for the consultation period have been completed, those which remain will inform a closure plan should the recommendation to progress to planned closure be agreed.

12. Implications for Partners and Other Directorates

- 12.1 Property services have been made aware of the proposal and that the property will need to be secured and may be surplus to requirements should this proposal proceed

13. Risks and Mitigation

- 13.1 The areas for concern are fully outlined in section 3 above. Continuation of the current provision presents the following risks:
- It has been evidenced that St. Edmund's Children's Home is not able to provide appropriate care to the more complex young people who need residential care. This is evidenced by the fact that the home has not been

able to meet the needs of young people who fall within the home's remit and clear statement of purpose. Despite a robust management response the home has not been able to make the improvements within a reasonable time frame.

- The majority of the children in residential care are over 12 years of age and have complex needs necessitating highly skilled care. There are currently approximately 40 children with complex needs placed in residential homes outside of the borough, and the Council's sufficiency strategy aims to reduce this number. This home will not meet the projected needs of children requiring residential care.
- Officers of the council are required to maximise resources and ensure that we get best value for money. The continued low occupancy and under-utilisation of the home means that it does not provide value for money.

The proposed consultation mitigates against these risks

14. Accountable Officer(s)

Ian Thomas - Strategic Director

Approvals Obtained from:

Joanne Robertson - Finance and Corporate Services

Catherine A Parkinson - Interim Assistant Director of Legal & Democratic Services:

Head of Procurement (if appropriate):-

Name and Job Title

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