

## Summary Sheet

**Committee Name and Date of Committee Meeting** Corporate Parenting Panel

**Report Title** Extensions and Adaptations to Homes of Foster Carers, Special Guardian and Adopters – (revised policy)

**Is this a Key Decision and has it been included on the Forward Plan?** No

**Strategic Director Approving Submission of the Report** Jon Stonehouse

**Report Author(s)** Ian Walker, Head of Service

**Ward(s) Affected** All

**Summary** This policy was initially agreed by Cabinet in 2012. There was an extension to the policy in May 2015 when it was agreed that the Council would borrow c£550k over each of the three subsequent years; a total of £1.65m. A number of carers have received this financial support over the course of the past three years and the budget is now almost exhausted. There is evidence that this policy can add benefit to the Council in terms of creating additional foster placements or supporting a child to be discharged from care where otherwise sufficient bedroom space or other adaptations would be a prohibitive factor. However, over the course of the past three years there has also been some evidence of 'mission creep' in that not all of the financial support provided seems to fulfil the criteria of the policy as was initially intended. As a result, this redraft of the policy is designed to ensure that it better meets the requirements of the demand management strategy currently being implemented within CYPS.

**Recommendations** To note:-

DLT is recommended to note the contents of this report and to endorse the changes in the policy that are designed to better support the demand management strategy.

DLT is also recommended to endorse the proposal to make the necessary financial arrangements to extend the policy for a further 4 years. Throughout this period it is intended to establish a more forensic analysis of the impact of the policy on the numbers of looked after children and on the placements budget.

**List of Appendices Included** None

**Background Papers** None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
None

**Council Approval Required** Yes

**Exempt from the Press and Public** No

## **Extensions and Adaptations to Homes of Foster Carers, Special Guardian and Adopters – (revised policy)**

### **1. Recommendations**

1.1 DLT is recommended to note the contents of this report and to endorse the changes in the policy that are designed to better support the demand management strategy.

1.2 DLT is also recommended to endorse the proposal to make the necessary financial arrangements to extend the policy for a further 4 years. Throughout this period it is intended to establish a more forensic analysis of the impact of the policy on the numbers of looked after children and on the placements budget.

### **2. Background**

2.1 The original policy was approved by Cabinet in 2012 and was extended in May 2012 when it was agreed to:-

- Approve further borrowing of funding of approximately £550k for each of the next 3 years, £1.65m in total, to continue to provide home extensions and adaptations to the homes of foster carers and adopters in line with the scheme originally approved by Cabinet in April 2012.
- Approve the use of funds borrowed in line with this scheme to part fund home purchases for foster carers and adopters where to do so would be more cost effective for the Council in meeting the needs of children than extending or adapting an existing home.

2.2 It would appear that, over time, the implementation of this policy has extended beyond the initial remit and that as a result the financial benefit to the Council and the emotional benefit to the young people involved is not always clear. In addition social workers within CYPS do not seem to be totally clear of the terms of the policy and as a result have made some unrealistic commitments to carers. This redraft will tighten up the terms in which such a financial commitment will be made by the Council and, once launched, will ensure that social workers will have a clearer concept of the circumstances in which such financial support will be offered.

### **3. Key Issues**

#### **Determining Criteria**

3.1 This policy sets out the criteria adopted by the Local Authority to provide funding to Local Authority foster carers and adopters to extend their home, or to part fund new home purchases, where it is necessary to do so to meet the needs of looked after children. This policy will also be applicable to people within the family and friends network of the child who would offer care to that child to either prevent the child from becoming looked after or to support a child ceasing to be looked after but for the lack of available bedroom space. The policy is therefore not designed simply to enhance the lifestyle of either the carers or of the looked after child other than in the case of children with a disability when the funding may be used to address the challenges they may encounter due to their disability. In addition, it is increasingly apparent that there a number of legacy issues whereby previous senior managers have made commitments to families that would not fit in with this more restrictive

eligibility criteria. Each of these cases will be decided on their merits but DLT need to be aware that there is a significant risk of the formal Complaints Process or even legal challenge being invoked should these applications be refused.

3.2 The policy covers all requests for home extensions and adaptations from Rotherham Local Authority foster carers, adopters and prospective Special Guardians. The policy also covers all such requests from foster carers, adopters and Special Guardians registered with other local authorities, and independent or voluntary agencies where the foster carers or adopters are caring for or considering caring for Rotherham looked after children *on a permanent basis* i.e. where the extension/adaptation would support the discharge of a child from care.

3.3 This revised policy is designed to support the Local Authority in meeting its legal duty to provide sufficient accommodation for looked after children. There is also a requirement for the Local Authority to ensure that looked after children are placed in foster, special guardianship or adoptive homes with their siblings, unless a Together or Apart Assessment has been completed that concludes it is not in the best interests of one or all siblings not to do so.

3.4 The policy is designed to be intrinsically linked with the principles of the Demand Management Strategy and Placement Sufficiency Strategy by either increasing the number of placements available or by reducing the numbers of looked after children. It will therefore only be applicable where the funding provided will be used to provide the additional bedroom space that will:-

- Support a looked after child (LAC) to remain/move to an in-house placement as opposed to being placed with an external Out of Authority residential placement/IFA.
- Support extended family members/family friends to care for a child via an SGO/CAO where that child would otherwise become/remain LAC.
- Support extended family members/family friends to assume parenting responsibilities via SGO/CAO of a child who is currently LAC thus supporting them to be discharged from care. (For the purposes of this report all adults securing SGO/CAOs will be referred to as being 'Special Guardians').
- Support existing foster carers to increase their bedroom capacity to enable them to offer additional placement(s). This may include prospective carers in the process of being approved although no financial commitment will be made until their status as foster carers is approved by Panel.
- Support adoptive parents to adopt a child where the match identified is the most appropriate one but where that match could not be progressed due to a lack of bedroom space. This scenario is likely to occur but will not be limited to situations where a child is already adopted and their birth-parent subsequently has another child who also has a plan for adoption but where the adoptive parents would otherwise have insufficient bedroom space to adopt the further child.
- Support existing or prospective foster carers or Short Breaks carers to provide accessible and suitable accommodation for children who are wheelchair users/need stair-lift etc where they would be unable to provide that care without that adaptation *and where all other funding sources have been exhausted*.
- Provide DLT with the requisite confidence that the proposed funding application will be of benefit to the strategic objectives of CYPS.

3.5 This policy, which allows for funding to be provided to enable foster carers, special guardians and adopters to increase their bedroom capacity, or in some circumstances to obtain an alternative larger home, is designed to increase the Local Authority's capacity to accommodate looked after children locally. In particular it should provide for additional capacity to secure permanence for sibling groups with foster carers and adopters. Alternatively the policy can be implemented to support a child to be discharged from care via a plan for permanence where bedroom space would otherwise be a prohibitive factor.

3.6 Ordinarily the need for additional space is limited to bedroom capacity and as a result the local authority would seek only to fund a one storey extension because, as has already been stated, this funding is not designed to enhance the lifestyle of the carers. As a result carers will have the choice as to whether to fund the additional storey themselves or to review the existing functions of the rooms in their house with the provision of an additional room funded through this policy.

3.7 Consideration of the provision of funding for home extensions/adaptations and part funding of new home purchases for foster carers and adopters will be given in the following circumstances:

- Where siblings are placed in a foster placement and the best plan for them, as endorsed via a statutory looked after children review, is to remain placed together in that placement, and where such a permanence plan cannot be implemented without the provision of an extension or alternative home due to an inadequate number of bedrooms.
- Where the best plan for a child, as endorsed via a statutory looked after children review, is to move to be fostered permanently by the foster carer of a sibling of his or hers, but where this plan cannot be implemented without the provision of an extension or alternative home due to inadequate bedroom space
- Where an existing foster carer has opted to continue to offer a home to a previously fostered child under the Staying Put arrangements but in doing so no longer has bedroom space to offer the foster placement which they are approved for and the carer would be enabled by the provision of additional bedroom space to offer further foster placements to adolescents who might otherwise be placed in Fostering Plus placements or independent sector provision.
- Where the best plan for a child, as endorsed via a statutory looked after children review, is to be placed for adoption with a sibling of theirs but this plan cannot be implemented without the provision of an extension or alternative home due to inadequate bedroom space.
- Where a home extension or adaptation or alternative home is essential to provide a permanence placement (SGO/CAO) to divert or discharge a child from being looked after and where this plan cannot be implemented in full due to a lack of bedroom space.
- Where, at the point of a child being admitted to care, an extended family member/family friend presents to assume the care of that child and where

they would be otherwise appropriate to do so but for the lack of bedroom space being prohibitive ie as a direct alternative to that child becoming LAC.

- Where situations fall outside of the criteria set out above but where it is thought the proposal may be appropriate, the social worker should discuss the situation with the Head of Service for LAC prior to progressing the full approval process via DLT.

3.8 Ordinarily the Pathways to Care will not be utilised for the purchase of additional equipment including bedroom furniture or larger cars. If the social work team assess that such additional support is required to support the placement then this funding should be secured via the SGO/CAO/Adoption Support Plan which will then require Head of Service approval.

### **Approval process**

3.8 Social Workers should make no commitment to any person who may possibly be eligible to financial support under this Policy prior to DLT approval having been formally provided.

3.9 The proposed carer should be advised not to initiate any building work until the funding for the extension work is approved. Furthermore, it should be made clear to them that the local authority will not accept liability for any work commenced or costs incurred prior to full approval, in writing, being given.

3.10 The allocated social worker for the child should establish that an adaptation/extension or assistance towards buying a suitable property is required, with all other options having been exhausted. This should be agreed in discussions between the child's social worker, their team manager and/or the service manager for the case holding team and the Head of Service for LAC. A management decision record should then be placed on the child's casefile outlining the rationale for the decision.

3.11 Alternately the adaptation may be part of the child's Statutory Reviewing process in which case the Review minutes should have a clear record of the rationale for implementing the Pathways to Care process. These minutes should then be shared with the Head of Service for LAC to endorse the proposed access to the Pathways to Care policy.

3.12 In light of any ongoing disagreement the matter should be escalated to the Assistant Director for consideration.

3.13 Once agreed the allocated social worker should liaise with the CYPS Asset Manager (Rob Holsey) regarding the proposed extension. This needs to be in the form of the Pathways to Care Application Form (cf appendix 1). This application will then be considered by a monthly multi-agency group consisting of the Asset Manager, the Head of Service for Looked After Children and Service Manager for Fostering in order to assess whether the proposed work complies with this policy. Once this has been agreed a site visit will then be arranged by the Asset Management Team in order to assess the feasibility of the plan.

3.14 Once it is agreed that the plan is a viable one, the allocated social worker will present a full report to DLT utilising the report template for use with Commissioner and Formal Meetings. A copy of the feasibility study should be incorporated into the report and the report will clearly identify that the cost of the work has been identified as being able to be funded through existing budget. Taking into account the feasibility study DLT will set a budget for the works which will be set against the Pathways to Care budget.

3.15 Following DLT approval being obtained the social worker will then inform the CYPs Asset Manager so that the tendering process and the commissioning of the building work can be initiated.

3.16 However, if the agreed tender is subsequently found to exceed the amount agreed by DLT by more than 20% then the report will have to be re-presented to DLT by the social worker and the Assets Management Team in order to get this additional amount approved.

3.17 From this point the Assets Management team will assume lead responsibility for overseeing the work and verifying that it has been completed to the required standards. They will also be responsible for all financial transactions and oversight of the building project.

3.18 Any projects agreed will be subject to legally binding contracts between the foster carers/adopters/special guardians and Rotherham Metropolitan Borough Council with a sliding scale of payback should the increased capacity not be delivered or in the event of placement breakdown or carers terminating their registration.

3.19 In the event that the foster carers/adopters, at their instigation, cease to offer the child placement/s for which the funding had been provided within a period of 10 years following the provision of funds the monies will be repayable to the Council at their discretion on the following basis:-

- 1<sup>st</sup> Year-100% repayable
- 2<sup>nd</sup> Year- 90% repayable
- 3<sup>rd</sup> Year- 80% repayable
- 4<sup>th</sup> Year – 70% repayable
- 5<sup>th</sup> Year – 60% repayable
- 6<sup>th</sup> Year – 50% repayable
- 7<sup>th</sup> Year – 40% repayable
- 8<sup>th</sup> Year – 30% repayable
- 9<sup>th</sup> year – 20% repayable
- 10<sup>th</sup> year – 10% repayable

3.20 Given that no repayment charge shall be incurred where the young person has reached adulthood and has chosen of their own accord to move out of the family home then the circumstances in which this policy is implemented for older children will have to be carefully considered to ensure there is likely to be some cost benefit to the local authority and some meaningful and tangible benefit to the young person. The main criteria for these recharges being incurred will be where any decision

made by the foster carers (eg to change their approval status or to move house) that reduces their fostering capacity.

3.21 No repayment charge will be incurred where the local authority has intervened to remove the child from the carers/extended property. As a result, it will be essential that the viability assessment of the proposed arrangements is as robust as possible so that there can be the requisite degree of confidence that placement will be a lasting one.

3.22 All foster carers and adopters will be required to access independent legal advice before signing the legal agreement and before funds can be released and provide written evidence that this advice supports the application.

### **Provision of Funding**

3.23 In the case of home extensions or adaptations, where funding is agreed it will not be provided directly to the foster carer/adopter but will be used to pay contractors directly.

3.24 In the case of home extensions and adaptations that any building works are compliant with current planning law and Building Regulations.

3.25 In the case of home extensions or adaptations, funding will be provided on the condition that the works are carried out only by Council approved building contractors following a competitive process.

3.26 In respect of an adaptation to a property outside of the RMBC area builders should be sought either from RMBC approved list or from the resident local authority's approved list where this is available. In out of area cases where we cannot identify suitable firms from the council's approved list, a waiver of contract procedures will be needed to facilitate the use of builders located in the area.

3.27 In the case of home extensions and adaptations and new home purchases, funding will only be provided to cover the costs of the most cost effective way to achieve the required additional living space.

### **Communication and Review**

3.28 This revised policy will be communicated via DLT and the Senior Management Team meeting from where it will be disseminated amongst the CYPS team managers.

3.29 This revised policy will formally reviewed 6 and then 12 months after its launch.

#### **4. Options considered and recommended proposal**

- 4.1 DLT could decide not to extend this policy and simply allow it to lapse. However, it could be argued that to do so may only have a negative impact on the Placement Sufficiency Strategy and the Demand Management Strategy both of which would carry significant financial risks.
- 4.2 As a result DLT is recommended to approve this revised policy and for a more accurate record of both expenditure and impact to be maintained to evidence the financial benefits to the Council.

#### **5. Consultation**

- 5.1 This report has been written in consultation with colleagues from the Finance Department and the Assets Management Team.

#### **6. Timetable and Accountability for Implementing this Decision**

- 6.1 Subject to full approval being given then the policy should be in a position to be implemented by the start of the financial year 2019/20.

#### **7. Financial and Procurement Implications**

- 7.1 Extensions and adaptations to properties is seen as a method of providing cost effective placements for children and enabling them to continue to reside in the local area. The current capital scheme is fully committed, with a recommendation to council to extend the scheme for a further four financial years at £640k per year, £2.56m in total.

7.2 The current average cost of an in-house fostering placement is £15k. The average cost of an IFA placement is £44k. The annual cost avoidance between the two types of placement would be £29k.

7.3 The average cost of properties improved, or in the process of improving (21), since April 2015 is 77k (ranging from £30k to £200k). This means that the average project would payback in just over 2.5 years (based on avoiding an IFA placement).

7.4 The extension and adaptation of carer accommodation is part of the directorates overall budget strategy to reduce CYPS placement costs.

#### **8. Legal Implications**

- 8.1 The Local Authority has a duty to provide sufficient accommodation for looked after children as set out in the Children Act 1989. Section 22G of the 1989 Act requires local authorities to take strategic action in respect of those children they look after and for whom it would be consistent with their welfare for them to be provided with accommodation within their local authority area. In those circumstances, section 22G requires local authorities, so far as is reasonably

practicable, to ensure that there is sufficient accommodation for those children that meets their needs and is within their local authority area.

8.2 The power to provide funding for home extensions and new home purchases in this case is to be found in The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

8.3 In addition, agreements of this nature are made in accordance with the provisions of Section 17(6) and Schedule 2 of the Children Act 1989. Section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families. Where a child is assessed as having certain needs, the local authority should meet those needs through the provision of services to secure the welfare of the child. The range of services that the local authority can provide are not prescribed or limited to any list and essentially local authorities can provide anything which they consider necessary to safeguard and promote the welfare of children in their area. Under section 17(6) Children Act 1989 the services provided by a local authority in the exercise of function conferred on them by this section may include providing accommodation and giving assistance in kind or in cash.

8.4 s22C(7) Children Act 1989 is clear that a Local Authority should give preference to a placement with an individual who is a relative, friend or other connected person over placement with a foster carer. This policy will allow the Local Authority to comply with this duty if the placement is assessed as appropriate if it were not for the lack of available bedroom space.

8.5 ss22C(8) Children Act 1989 provides that a Local Authority must ensure that a child's placement allows the child to live near their home and enables siblings to reside together. This policy will allow the Local Authority to comply with this duty if the placement is assessed as appropriate if it were not for the lack of available bedroom space.

8.6 The power to provide funding for home extensions and new home purchases in this case is to be found in The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

## **9. Human Resources Implications**

9.1 There are no anticipated Human Resources issues arising from this revised policy.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 The effective implementation of this policy will have a positive implication for looked after children as it will either enable them to be placed with their siblings, be placed closer to their home or to be discharged from care to their permanent family.

## **11. Equalities and Human Rights Implications**

11.1 As a result of the increased capacity provided to place children closer to home, with siblings or to be discharged from care this policy will fully support their human rights and, in the case of children with a disability, enhance their right to equality of care

## **12. Implications for Partners and Other Directorates**

12.1 There will be some financial risk to the wider Rotherham MBC as a result of the anticipated financial commitment. However, more effective management oversight should minimise these risks and, by virtue of reducing reliance on more costly privately provided placements this policy may prove to be cost effective.

## **13. Risks and Mitigation**

13.1 The main risk would appear to be that placements are not sustained for an appropriate period of time subsequent to the extension/adaptation being completed. However, this risk has been mitigated by extending the pay-back period from 5 to 7 years.

## **14. Accountable Officer(s)**

Ian Walker, Head of Service, Looked After Children

Approvals Obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Neil Hardwick	
Assistant Director of Legal Services	Rebecca Pyle	10/1/19
Head of Procurement (if appropriate)	N/a	
Head of Human Resources (if appropriate)	Amy Leech	10/1/19

Ian Walker, Head of Service.

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