

Committee Name and Date of Committee Meeting

Corporate Parenting Panel – 23 November 2021

Report Title

Operational Delivery of LAC Sufficiency Strategy - New Residential Provision
Progress Report

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

No

Strategic Director Approving Submission of the Report

Suzanne Joyner, Strategic Director of Children and Young People's Services

Report Author(s)

Rebecca Wall Head of Children in Care

William Shaw Head of Commissioning and Transformation Programmes

Ward(s) Affected

Borough-Wide

Report Summary

This report provides a progress update on the in-house children's residential development that was agreed at Cabinet on 17th February 2020 and was updated at Cabinet in June 2020.

This overall development responds directly to Rotherham Children and Young People's Services (CYPS) strategic intention to reduce the number of external residential placements and ensure more Rotherham looked after children (LAC) and young people are placed within borough close to their family and community networks.

The new provision, along with foster care, third party placements, semi-independent provision and other family-based placements, will provide a mixed economy of arrangements which will seek to effectively meet Rotherham's statutory duties, outlined in the Sufficiency Strategy 2019 -2022.

The development enables Rotherham to invest in residential provision which will

- Ensure more children and young people are placed in Rotherham close to their communities, families, friends, and schools.
- Deliver improved outcomes for looked after children.
- Develop a service model that encourages step-down to family-based placements.
- Provide a local response to the increasing demand for a range of residential placements.
- Provide greater flexibility and control of provision.
- Reduce placement costs and support the delivery of directorate savings.

The report details the progress made from 17th February 2020 as part of phase one and two of implementation and reflects the learning captured and utilised through the development. The progress is set within the context of the COVID pandemic which significantly impacted the internal and external working environment from the beginning of March 2020.

A summary of progress is highlighted below.

- 4 new children's home purchased or acquired and fitted out to meet the specification informed by young people's service and Ofsted
- Recruitment of 4 managers and 44 staff
- 60 days of induction training covering Therapeutic Crisis Intervention, evidence based therapeutic approaches, Signs of Safety and Rotherham Family Approach
- 2 children's homes opened with Ofsted registrations
- Ofsted rating of Good for both children's homes on first inspection
- 5 young people living in the homes since opening.
- 2 of the 5 young people have been supported to 'step down' from residential care into foster care settings as a direct result of the work offered by the service.

Recommendations

1. That Corporate Parenting Panel is updated on the progress around the residential development and aware of the actions underway to address placement sufficiency in Rotherham for looked after children

List of Appendices Included

None

Background Papers

Looked After Children's (LAC) Sufficiency Strategy 2019-2021

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Operational Delivery of LAC Sufficiency Strategy - New Residential Provision Progress Report

1. Background

- 1.1 The Cabinet report dated 17 February 2020, outlined Rotherham Children and Young People's Services strategic intention to reduce external residential placements and ensure more Rotherham looked after children and young people are placed within the borough close to their family and community networks.
- 1.2 Rotherham has a higher number of looked after children and young people placed out of area and in external residential placements than other comparable Local Authorities.
- 1.3 Before February 2020, Rotherham did not have any 'mainstream' in-house residential children's homes for looked after children, as the only children's home being operated was the short-break children's home for disabled children (Liberty House).
- 1.4 The February 2020 Cabinet report agreed a proposal to develop a range of in-house residential provisions, including emergency accommodation for Rotherham looked after children. 16 residential beds, 2 emergency beds across 7 registered settings.
- 1.5 The overarching aim of the in-house residential development will ensure more children and young people are placed in Rotherham close to their communities, families, friends, and schools. It will also provide better outcomes for children and young people through the increased control and flexibility of the provision.
- 1.6 A robust internal monitoring and quality assurance process has been put in place to ensure each new home reaches and maintains a Good or Outstanding rating from Ofsted.
- 1.7 All Ofsted registered children's homes are subject to monthly Regulation 44 visits and reports by an independent person, in line with Children's Homes Regulations 2015. Each new home will be registered and inspected by Ofsted.
- 1.8 The new residential provision will operate within a context of significantly improved social work practice that was judged by Ofsted to be Good in January 2018.
- 1.9 A project group with a range of task and finish groups, continues to oversee implementation. The project group reports into CYPS Directorate Leadership Team (DLT) and is part of the LAC Programme element of the CYPS Transformation Plan.
- 1.10 **The Phase One milestones agreed in the February 2020 Cabinet report were:-**
 - A 4-bed home and 1 bed emergency accommodation (5 beds in total) to be operational by Autumn 2020.

The Phase Two milestones agreed in the June 2020 Cabinet report were;

- Two x2 bed homes and a one bed emergency accommodation (5 beds in total) to be operational in March 2021.

The Phase Three proposed milestones (outlined both Cabinet papers) incorporate;

- Two further 4 bed homes (8 beds in total).

2. Key Issues (Progress overview)

2.1 The following has been achieved across the residential implementation programme.

Accommodation

- 3 new children's homes and 1 emergency home purchased or acquired
- Children's home adapted and fitted out to meet the specification informed by young people, Children's Social Care and Ofsted
- Three names chosen by children and young people – Pegasus, Beech Tree and Phoenix

Workforce

- Four managers and 44 staff recruited
- 16 months recruitment campaign including digital marketing campaign and advertisement through Community Care and Young People Now
- 17 assessment centres
- 60 days of induction training covering evidence based therapeutic interventions and approaches for example Therapeutic Crisis Intervention, Sign of Safety and Rotherham Family Approach

Registration and Regulation

- 2 homes successfully registered with Ofsted
- 2 homes rated as Good by Ofsted
- Liberty continues to be rated as Outstanding

Placements

- There are 3 placements currently being used which have been utilised by 5 young people since the settings opened.
- 2 of the 5 young people have been supported to 'step down' from residential care into foster care settings.

Context

- Progress is set within the context of the COVID pandemic which significantly impacted the internal and external working environment from the beginning of March 2020.
- As the development has progressed there has been careful consideration about how the service also keeps pace with, and matches the needs and demand for, placements emerging with the fieldwork practice.
- While there are three phases, there is concurrent planning across the whole

development to maximise meeting the needs of young people, engage high quality staff and to minimise delays.

2.2 Phase One progress

Phase One Objectives 4 bed home and 1 bed emergency accommodation (5 beds in total)		
Target	Achieved	Next steps
4 bed home Autumn 2020 Objective Partially Met	4 bed home, (Pegasus,), registered with Ofsted in July 2020. Full staff team recruited and operational in August 2020. 2 beds utilised over this period by 4 young people. First Ofsted inspection completed rated Good.	It is proposed to transfer the home and staff team to a 2-bed property (Quarry House). This is planned for the end of November 21. The remaining 4 bed property, (Pegasus, Dinnington), will be staffed and utilised as a long-term residential home. This property is better suited to a longer term residential and will enable children's home to be used to capacity. This is planned and on track for November 2021
1 bed emergency accommodation Autumn 2020 Behind schedule	The provision (Phoenix) has not been registered with Ofsted yet, due to staff capacity. The progress and operationalisation of children homes has been prioritised.	Focus and priority has been on the staffing and registration of children's homes. This is planned and re profiled for January 2022.

2.3 Phase One learning

Learning has been captured throughout the implementation and used to inform development plans. Learning from phase one is detailed below: -

- Workforce and management are key; an experienced Registered Manager who is knowledgeable and can manage a good or outstanding service is positive but finding one who has grown and established a setting is rare. Steps are being taken to upskill, develop and grow seniors and deputy managers, to address this gap long term. However, this will take time to implement and to have an impact at a Registered Manager level.

- Recognition that what it takes to 'build' a service may be different to what it is to 'maintain' a service.
- Ofsted have made it clear through the registration and inspection process that they see 'dual registered' managers as an exceptional circumstance not the norm, which has meant careful consideration of the management structure as progress is made through registration, regulation, and inspection with Ofsted.
- Ensuring that there are high expectations in relation to the capability of the practitioners and management team. This has been achieved, but has meant there have been some staff changes. In order, to maximise opportunities to have the best staff join the team in the future, the recruitment process has been further developed to include assessment centres.
- Carefully considering children and young people's transition in and out of homes as staff teams are established and develop their working practice.
- A greater understanding of the practical elements of the Ofsted registrations, which support registration.
- The need for clear yet flexible Statement of Purpose and the requirement to update RMBC policies and procedures to align with Ofsted and Children's Home Regulations requirements.

2.4 Phase Two progress

Phase Two Objectives		
Phase Two 2x2 bed homes and 1 bed emergency accommodation (5 beds in total)		
Target	Achieved	Next steps
2 bed home March 2021 Objective Met	<p>2 bed home, (Beech Tree,), was registered with Ofsted March 2021.</p> <p>A full staff team has been recruited and became operational in April 2021.</p> <p>One bed is in use for a young person with complex needs.</p> <p>Ofsted have inspected the property and given a Good rating.</p> <p>The complexity of the young person prevented matching another child within this home</p>	<p>Transition planning is being undertaken for the young person in the home.</p> <p>The move into adult services is planned in May 2022.</p> <p>Two beds within the home will be utilised going forward based on need and matching considerations</p>

2 bed home March 2021 Objective Partially Met	The 2-bed home will become the step-down provision The building is operationally ready. Step down provision and staff team will transfer across in September 2021.	It is anticipated that the 2-bed home will have children and young people living there from November 2021. * <i>Subject to registration requirement being complete and agreed by Ofsted.</i>
1 bed emergency accommodation Autumn 2020 Behind schedule	This building, (Middle Lane,), requires limited adaptations to be operationally ready. The provision has not been registered with Ofsted yet due to not having recruited the required registered management and staff. There has also been significant community feedback and tension around the use of this property for its proposed purpose.	This target has been re-profiled to Quarter two 2022/23. Alternative HRA property or Council asset will be explored. Availability of an appropriate alternative that meets agreed criteria may impact on timescales.

2.5 Phase Two learning

Learning has continued to be captured from stakeholders including Ofsted, HR, finance, residential management and staff, local residents, and other Local Authorities. Learning from phase two is detailed below: -

- 'Step down' to fostering provisions aligned to smaller homes to respond more effectively to matching, need and throughput.
- Strengthening community engagement at Registered Manager level to support the homes being positively embedded in their local communities.
- A positive has been the relationships that have been developed with the local Ofsted inspectorate, which supports registration and future inspection outcomes.
- The challenging external recruitment market and the need to continually market and recruit effectively to fill the required posts.
- The need to have experienced and stable staff supporting emergency provision, who can mobilise quickly and flexibly respond to crisis and need.
- The use of beds has been carefully reviewed and considered through this period. A learning point has been the need to gradually use the beds available to ensure settings are supported to develop and mature. The staff teams coming together are all new to Rotherham and this means teams are developing and learning together, with children and young people in placement.

- To support this, how beds are utilised is under constant review. For example, the development of the 'step down' provision as a 4 bed has been reviewed due to the complexity of matching, managing multiple complex transitions and the number of young people currently in residential care where their assessment supports this very planned and focused intervention. This service will continue, but in a 2 bed setting, allowing the accommodation to be used to register and make use of the 4 beds for young people needing a longer-term residential option, supporting transition home or to independence.
- In the current 2 bed provision there is a young person, who is highly complex and who previously, has had periods of placement instability. This setting will remain a solo placement until this young person moves to Adults services in May 2022. This example highlights how the service has flexibly responded to urgent needs and managed to create and maintain a stable setting for this young person, where no other private provider could or would.
- The need to progress recruitment of a Residential Operations Manager. This has been progressed to support capacity to continue to drive the implementation, but also maintain high standards.
- From the outset of the project a concurrent planning approach has been in place for all the 7 settings, which as highlighted above, has changed as learning develops and need is revisited. This has allowed the service to be adaptable; to the availability of accommodation; recruitment and young peoples' need. The Head of Service for Children in Care and for Commissioning and Transformation Programmes work closely with the services to future scan, forecast the needs of the children and young people in care and respond to challenges.

2.6 Phase Three

Phase three objectives and requirements outlined in previous Cabinet papers involved the acquisition, registration, and operationalisation of two 4-bed residential homes. This will provide an additional 8 beds for Rotherham children and young people.

- 2.7 Utilising the learning from phase one and two and set within the overall Cabinet mandate and agreement in February and May 2020, proposals for phase three are outlined below:-

Phase Three Objectives Phase Three 2x4 bed homes (8 beds in total)		
Target	Proposal	Next steps
4 bed Children's home Oct 2022	Identify a property that delivers for 4 beds for children, to be purchased across the borough utilising the agreed capital available. Property will be acquired to meet the specification agreed by children and young people,	Develop an implementation plan with timescales based on Cabinet agreement.

	<p>service and incorporating Ofsted requirements.</p> <p>It is proposed that the home will be a regulated setting to support transitions and independence for care leavers.</p>	
<p>4 bed Children's home</p> <p>2023/24</p>	<p>A property that delivers 4 beds for children, to be purchased across the borough utilising the agreed capital available. Property will be acquired to meet the specification agreed by children and young people, service and incorporating Ofsted requirements.</p> <p>It is proposed that the home will focus on complex need, challenging behaviour and hard to place children and young people.</p>	<p>Develop an implementation plan with timescales based on Cabinet agreement.</p>

3. Options

- 3.1 The option to progress phase 3 has been agreed at Cabinet in September 2021 with an acknowledgement that the residential investment supports children to be cared for within their hometown, close to their families and support networks, to better enable achieving positive outcomes.

4. Consultation on proposal

- 4.1 Engagement has taken place throughout implementation with CYPS Commissioning, Procurement, Housing, Regeneration & Environment, Adult Services, Fostering and LAC and consultation with children and young people.
- 4.2 A plan has been put in place, with guidance from Voice, Influence and Participation Lead, for the consultation and engagement of looked after children in the development and implementation of the proposal.
- 4.3 It is recognised that it is critically important that looked after children are effectively engaged and can inform and influence both the plans and implementation.
- 4.4 A communication plan is in place, which covers all key stakeholders including members of the public.

5. Timetable and Accountability for Implementing this Decision

- 5.1 A project group with task and finish workstreams, with representation from Asset Management, Housing, HR, Commissioning, LAC, Therapeutic Service, Finance, Communications and Performance drives the development and implementation.

Implementation progress, risks and actions are reported into the CYPS Transformation Board, via a LAC Programme Highlight report.

6. Financial and Procurement Advice and Implications

- 6.1 On 17 February 2020 Cabinet agreed to the in-house residential proposal and emergency care model which would provide 16 residential placements (5 homes) and 2 emergency homes. The annual cost of the in-house residential proposal and emergency care model when fully operational was estimated at £3,258m per annum, for 16 residential placements and 2 emergency homes. The funding for the new homes being redirected from the external residential budget.
- 6.2 The overall potential future annual saving of the proposal to realise £709k from in-house residential (when operating at 85% occupancy) and reduce emergency care costs by £227k, generating an overall annual cost saving of £936k, which would be savings to general fund and DSG.
- 6.3 Establishing the new residential provision will require some one-off set-up costs estimated at £262k over the whole of the programme.

7. Legal Advice and Implications

- 7.1 Sections 22A to 22D of the Children Act 1989 make provision for the accommodation and maintenance of a looked after child. They provide the framework within which decisions about the most appropriate way to accommodate and maintain the child must be considered. The duties and powers of local authorities to provide accommodation under sections 20 and 21 of the 1989 Act are not affected by these provisions.
- 7.2 Where accommodation is provided and there is an element of care being given, the provision must be registered and therefore regulated by Ofsted; this is irrespective of the length of the provision provided.
- 7.3 Section 63 of the Children Act 1989 states that 'no child shall be cared for and provided with accommodation in unregistered children's homes.' Where an unregistered children's care home provides care and accommodation to a child, the person carrying on the home commits an offence. It will be necessary for any provision to be registered.
- 7.4 For clarity, there is provision in law to place a child in an unregulated placement; this is usually where a child (aged over 16) needs support to live independently rather than needing full time care.
- 7.5 In order to reduce the risks of any legal challenge, the Council needs to ensure that it fully complies with all relevant legislation and properly consults in relation to any proposals set out in this report.

8. Human Resources Advice and Implications

- 8.1 In terms of recruitment to the roles it is advised that the open recruitment campaign to be reviewed on a regular basis.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Implications to vulnerable children and young people are covered within the report. The main of the residential provision is to maximise positive outcomes for our looked after children, in relation to education, health, wellbeing and future achievement and success by having them local to home and connected to their families and support networks.

10. Equalities and Human Rights Advice and Implications

- 10.1 Equality Impact Assessment was completed and updated as part of the implementation.

11. Implications for CO2 Emissions and Climate Change

- 11.1 Carbon impact assessment has been completed
- 11.2 All children's home will have electric cars to support the transport of children and young people placed at the home

12. Implications for Partners

- 12.1 Education, Police and Health partners have been significantly involved in the implementation process and will continue to contribute to the effective delivery of the programme.

13. Risks and Mitigation

- 13.1 This report relates to two key corporate risks for the Council – the risk of safeguarding failure and the risk of inspection failure in Children's Services.
- 13.2 The proposal will help improve support for some of the most vulnerable young children and young people in the borough. In addition, this work should reduce the risk of inspection failure in children's homes and help to improve the overall rating for services for looked after children.
- 13.3 Key operational risks include the risk of not be able to recruit the required qualified and experienced staff, timeliness of Ofsted registration and ability to identify and acquire properties that meet the specification. All these risks if realised could cause delay to the overall implementation timescales.

14. Accountable Officers

William Shaw, Head of Commissioning & Transformation Programmes
Rebecca Wall, Head of Children in Care

Approvals obtained on behalf of Statutory Officers: -

Named Officer	Date
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DCS		Click here to enter a date.
	Choose an item.	
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	02/09/21

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