

CYPS

Pathways to care Policy

Updated 2021

Version: 2021 update

Date of Issue: March 2021

Date agreed at Cabinet: 16.08.21

1. Purpose of the Policy

- 1.1 This Policy sets out the criteria adopted by the Local Authority to provide funding to Local Authority foster carers, special guardians (SGO) or family carers via child arrangement order (CAO) 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. The reason that the Policy extends to include special guardianship and child arrangement order is that this enables children to be discharged from care by enabling them to permanently live with 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.
- 1.2 The Policy covers all requests for home extensions and adaptations from Rotherham Local Authority foster carers, adopters, prospective special guardians (SGO) and family carers via a Child Arrangement Order (CAO). 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 and offer a plan of legal permanence.
- 1.3 To ensure equality of opportunity and to maximise options for permanent care for looked after children the Policy includes the extension of council owned homes where the home is not large enough to provide appropriate accommodation for the child(ren) and no suitable alternative council property is available to enable the tenants to move home.
- 1.4 This 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 an assessment has been completed that concludes it is not in the best interests of one or all siblings to live together.
- 1.5 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 a Special Guardianship Order (SGO) or Child Arrangements Order (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 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.

1.6 This Policy, which currently allows for funding to be provided to enable foster carers, special guardians, holders of child arrangement orders 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. It should provide 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 lack of bedroom space would otherwise be a prohibitive factor.

1.7 Consideration of the provision of funding for home extensions/adaptations and part funding of new home purchases for foster carers, special guardians, 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 i.e. 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.

2. Approval process

- 2.1 Social Workers should make no commitment to any person who may possibly be eligible to financial support under this Policy prior to CYPS DLT approval having been formally provided.
- 2.2 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.

- 2.3 The allocated social worker for the child should establish along with their team manager 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.
- 2.4 Alternately the decision to explore a Pathways to Care application 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.
- 2.5 In light of any ongoing disagreement the matter should be escalated to the Assistant Director for consideration.
- 2.6 Once agreed the allocated social worker should liaise with the CYPS Asset Manager regarding the proposed extension. This needs to be in the form of the Pathways to Care Application Form and should consider the most cost effective way to increase capacity; either by extending/ adapting the current accommodation or supporting with the purchase of a more suitable property if this is more cost effective and meets the assessed needs of the child and carers. A site visit will then be arranged by the Asset Management Team to assess the feasibility of the plan.
- 2.7 Where the property is a council home consideration will be given to an alternative a larger council home being identified. In the event that this is not an option, liaison should be progressed with Housing Services by the CYPS Asset Manager at the point of the application made, to ensure any extension or adaption is agreed.
- 2.8 Once there is agreement that the plan is a viable one, the allocated service manager will prepare a report for DLT. This will then be overseen and presented by the Head of Service for LAC. 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.
- 2.9 For a council home the approval report will be completed in conjunction with colleagues in Housing Services and require agreement by Housing Services senior leadership team followed by agreement by the S151 officer before work can commence. This reflects that the property is a council asset.
- 2.10 Following 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.

- 2.11 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 Head of Service and the Assets Management Team in order to get this additional amount approved.
- 2.12 From this point the Asset 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.
- 2.13 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. In addition legal advice will be sought on a case by case basis to see if a change or restriction on the title of the property owned by a FC or family based carer is needed to secure the repayment obligation as set out in section 2.15 below.
- 2.14 In the event that the foster carers, special guardians, family based carers or 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:-
- 1st Year-100% repayable
 - 2nd Year- 90% repayable
 - 3rd Year- 80% repayable
 - 4th Year – 70% repayable
 - 5th Year – 60% repayable
 - 6th Year – 50% repayable
 - 7th Year – 40% repayable
 - 8th Year – 30% repayable
 - 9th year – 20% repayable
 - 10th year – 10% repayable
- 2.15 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 (e.g. to change their approval status or to move to a new house) that reduces their fostering capacity.

2.16 If the children are removed by RMBC due to safeguarding concerns no repayment charge will be incurred by the carers. 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.

2.17 All foster carers, special guardian, family-based 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.

3. Provision of Funding

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

3.2 In the case of home extensions and adaptations that any building works are compliant with current planning law and Building Regulations. It will be a condition of the provision of funding that any building works are compliant with current planning law and Building Regulations. This should include a competitive contracting process.

3.3 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.

3.4 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.

3.5 In order to support maximising the impact of the Pathways to Care Budget, all potential avenues for supporting funding any extension adaption or home move should be explore. This includes liaison with Housing Services regarding any council owned properties and exploration of the Disabled Facilities Grant (DFG) where the young person has a disability.

4. Legal Framework

4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 When funding has been agreed, Legal Services should be engaged to enter into the funding agreement as soon as possible so that this element does not cause any delay.

