

Committee Name and Date of Committee Meeting

Cabinet – 16 August 2021

Report Title

Pathways to Care: Extensions and Adaptations to Homes of Foster Carers, Special Guardians and Adopters – (revised policy 2021)

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

Yes

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 Service LAC

Ailsa Barr – Assistant Director Children's Social Care

Ward(s) Affected

All

Report Summary

The Pathways to Care Policy's primary goal is to provide a pathway to increase the physical capacity, through accommodation, of a carer to care for a looked after child or to enable a child to be permanently discharged from care. This policy has been in place since 2012, and there is capital funding agreed to support the pathways to care policy.

The Policy needs revising to allow for the inclusion of council housing properties, as the current policy applies to only to private homeowners. This revised policy enables RMBC to support to a broader range of carer/proposed carers for looked after children. The revised Policy (attached at appendix 3) sets out at 1.3, 2.7 and 2.9 the amendments proposed, to allow inclusion of extension to council homes where this will involve the long-term/permanent care of a looked after child being secured.

Recommendation

That the amendments to the policy are agreed, which clarifies that the policy also applies to council homes.

List of Appendices Included

Appendix 1 - Equality Analysis Report

Appendix 2 - Emissions Impact Assessment

Appendix 3 – Pathways to Care amended Policy

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

Pathways to Care: Extensions and Adaptations to Homes of Foster Carers, Special Guardians and Adopters – (revised policy 2021)

1. Background

- 1.1 The Pathway to Care Policy was approved by Cabinet in 2012 and was extended in May 2015 and then in again in 2019. This is the first full revision since this date. The 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.
- 1.2 The revised Policy will 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.
- 1.3 The capital programme for 2019/20 & 2020/21 approved new funding of £3.2m profiled at £0.64m per annum over 5 years, which added to the balance of the original funding gives a total capital funding of £3.43m at the start 2020/21.
- 1.4 Since 2012 several carers have received this financial support evidencing that this Policy not only benefits children and their care, but to also adds further benefit to the Local Authority. The initial benefits saw an increase in terms of creating additional foster placements, and over the past 3 years particularly supporting a child to be discharged from care and to gain legal permanence through the making of special guardianship orders. The position was that without the application of Pathway to Care process the carers would not have had sufficient adaptations, bedroom or living space, meaning children would have remained in care.
- 1.5 The 2021 Policy has been revised to reflect the processes to support a consistent approach meaning that as well as private properties being included council homes will also be considered to be extended to support the long-term and permanent care of looked after children.

2. Key Issues

- 2.1 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. The Policy is also 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.
- 2.2 The revision to the Policy will enable funding to be used to extend council owned homes where the tenants will be providing permanent care to Rotherham Looked after Children or where those children would become looked after in the event that the care arrangement proposed was not

available. The revised Policy (attached at appendix 3) sets out at 1.3, 2.7, 2.9 and 2.14 the amendments proposed to allow council homes to be extended, where this will involve the permanent care of a looked after child being secured.

- 2.3 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 provides opportunity to support carers in the purchase of a new home where extension of their own home is not financially viable (i.e. an extension would cost far in excess of a larger property. This option allows the Local Authority to achieve best outcomes via securing permanency and stability with either current carers, family or connected persons. The Policy supports achieving best value for money whilst still ensuring that carers have enough space to care for children. 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.
- 2.4 Wherever an existing Council tenant has their home extended under this policy, Housing Services will re-calculate the default rent on the property. The increase in rent payable however is only enforceable once the tenant has agreed a new tenancy arrangement (if they have a fixed term tenancy) or if they have left the property and it is re-let. In the event that the tenant exercises their right to buy the property the valuation will be higher and would impact of the price paid by the tenant.
- 2.5 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 an assessment has been completed that concludes it is not in the best interests of one or all siblings to live together.
- 2.6 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.
- 2.7 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 (see Policy section 2.15). 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 foster carer or family based carer is needed to secure the repayment obligation.
- 2.8 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.

- 2.9 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 explored. 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.
- 2.10 The impact of progressing this policy are that:
- There will be a positive impact on the Placement Sufficiency Strategy and the Demand Management Strategy.
 - Children have opportunity to live in a family-based placement.
 - This change will also enable maximisation of Council assets and funding streams between CYPS and Housing Services.
- 2.11 This revised policy will be disseminated amongst the CYPS team managers and Housing Services colleagues via Children Services Directorate Leadership Team.
- 2.12 This revised policy will be reviewed via the leadership of Children and Young Peoples Services every 12 months.

3. **Options considered & recommended proposal**

- 3.1 **Option 1** - Approve the revision to the Policy, which will allow the inclusion of council homes meaning maximisation of council assets and funding streams and equality of support for council tenants who can provide long-term and permanent care for looked after children.
- 3.2 **Option 2** - Leave the Policy as is (excluding council owned houses), which may have a negative impact on the Placement Sufficiency Strategy and the Demand Management Strategy, both of which could then preclude children having the opportunity to live in a family-based placement, as well as potentially impacting adversely on budgets.

4. **Consultation on proposal**

- 4.1 This changes to the Policy have been considered and developed in consultation with colleagues from Housing Services, Finance Department, Legal Services and Assets Management.

5. **Timetable and Accountability for Implementing this Decision**

- 5.1 The agreement to fund a further 5 years of the Pathways to Care was agreed in January 2019. Following review this updated policy in April 2021 proposes all future decision making around Housing Services priorities follows the proposed processes.
- 5.2 Once Cabinet agreement is secured, this policy change can be implemented.

6. **Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**
- 6.1 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 capital programme for 2019/20 & 2020/21 approved new funding of £3.2m profiled at £0.64m per annum over 5 years, which added to the balance of the original funding gives a total capital funding of £3.43m at the start 2020/21. The forecast spend in 2020/21 is £0.29m with a further £0.54m either allocated or indicatively allocated to projects for 2021/22. The budget has been managed to reflect expected commitments with the balances being re-profiled into later years. Any works planned against Housing Services' properties will result in the GF budgets being reduced and the equivalent value added to the Housing Services programme.
- 6.2 The current average cost of an in-house fostering placement is £15k. The average cost of an independent fostering agency placement is £44k. The annual cost avoidance between the two types of placement would be £29k.
- 6.3 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 independent fostering agency placement).
- 6.4 The extension and adaptation of carer/ special guardian and adopters' accommodation is part of the directorates overall budget strategy to reduce CYPS placement costs.
- 6.5 For a council home the work required to establish viability of any project 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, and the project will be funded by Housing Services.
- 6.6 For Council properties the tenant may be eligible to exercise their Right to Buy. In these circumstances the property purchase price would be the higher of the valuation (taking into account the adaptations to the home) or the cost floor and therefore there would be a level of recoupment. If a tenant were to cease being a carer it may not be possible to collect the appropriate rent or reallocate the property. Any proposed extension would need to be funded from non-ringfenced RTB receipts.
- 6.7 In terms of accepting amendments to the Pathways to Care policy, there are no direct procurement implications. Procurement implications will arise at the time the Council engages an external contractor to undertake adaptation works. This engagement must be compliant with the Council's own Financial and Procurement Procedure Rules and the Public Contracts Regulations 2015 ("as amended").

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 When funding has been agreed, Legal Services should be engaged to enter into the funding agreement referred to at paragraph 3.20 as soon as possible so that this element does not cause any delay.

8. Human Resources Advice and Implications

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

9. Implications for Children and Young People and Vulnerable Adults

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

10. Equalities and Human Rights Advice and Implications

10.1 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.

11. Implications for CO₂ Emissions and Climate Change

11.1 An impact assessment has been undertaken linked to the proposals contained within this report (Appendix 2).

11.2 The Emissions Impact Assessment form highlights there will potentially be an unknown/ low level of increased emissions where there is agreement to physically adapt or extend a residential property. This is hard to estimate as not every agreed application will involve construction and will be dependent on the property and needs of the child and family. This will be carefully considered and explored via the contracting process, with steps taken to mitigate and reviewed via the Pathways to Care group. ha.

11.3 In order to see the breakdown of potential impacts on emissions, please see Appendix 2 Emissions Impact Assessment form

12. Implications for Partners

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 to 10 years.

14. Accountable Officers

Rebecca Wall – Head of Service Looked After Children

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	02/08/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/07/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	26/07/21

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