

Report

Chair of Cabinet and Cabinet Member for Social Services

Part 1

Date: 5 November 2019

Subject Capital funding for accommodation in relation to Children Looked After in Foster Care

Purpose For Cabinet Members to consider a proposal to support carers, in exceptional circumstances with capital funding.

Author Service Manager – Resources, Children and Young Peoples Services.

Ward City wide

Summary In exceptional circumstances the Local Authority will agree to fund capital development that would be cost effective and reflect the needs of the child where alternative formal care placement would be required; this could be when the Local Authority is not the owner of the building and is unlikely to receive a return on the investment.

Proposal To ensure appropriate, safe and suitable long-term accommodation is available for children who are looked after.

Action by Joanne Llewellyn- Service Manager Resources, Children and Young Peoples Services.

Timetable Immediate

This report was prepared after consultation with:

- Cabinet Member for Social Services
- Strategic Director for People
- Sally Jenkins Head of Children's Service
- Head of Finance

Signed

Background

Within Newport we currently have a Children Looked After population of around 392 children. Children are cared for by Local Authority foster carers, supported lodgings carers, Independent Fostering Agency carers and in private and Local Authority 22 of the Newport City Council (NCC) foster carers are family members caring for their relatives. These are children subject to Care Orders due to the level of risks posed to the carers/children by the parental circumstances but where alternative family members have the capacity to provide safe, positive and nurturing care.

The priority is always to support children as close to home as possible and in settings which most fully meet their needs for the short, medium and long term.

The Local Authority Fostering Services (Wales) Regulations 2018 Part 4 13 (b) Standards of care and support to children and 17 2 a-d and 36 1 all indicate the importance of supporting children and foster carers.

Foster carers receive financial support to care for the children; the support is linked to the ages and needs of the children. Foster carers provide care for twenty four hours, seven days a week and as such the financial support is not a salary but is a fee to provide directly for the children. The Local Authority provides equipment for example cots, car seat and pushchairs.

Foster carers live in their own homes which have to meet a certain high standard of repair and have to provide a certain amount of space for the children including bedroom space. These aspects and many other elements of the role are laid out in National regulations.

This proposed change in policy for NCC is to address situations where the need for an exceptional level of capital support is required in order to safely support young children in a foster placement. It is acknowledged these situations are rare. The following is a live case study.

Case study:

The two children are the youngest of four siblings. The older children are both in long term residential care and both experience considerable challenges because of their life experiences. The children all lived with extreme violence, physical abuse, substance misuse, parental domestic violence, emotional abuse and trauma.

The two younger children have been relatively protected purely because they had less exposure. They are placed with their Aunt and Uncle as approved foster carers who already have three children. They receive excellent care and after a very troubled start to life are now thriving.

The Aunt and Uncle live in a three bedroomed property. Space is at a premium *and the arrangement is in breach of all fostering regulations*. After extensive exploration of all options the only viable route to resolve the space issue and ensure regulations are met is to extend the property. The family do not have the resources to undertake this work.

The Aunt and Uncle are also offering support to one of the older children who presents with very troubled behaviours in residential care. There is a possibility that over time this child could also be placed with the family thus ending a costly residential placement.

This case has revealed a gap in the current policies to fund placements as there is no route by which NCC can fund and move forward the necessary works. Previous capital works for foster carer properties have been completed by using the Disabled Facilities Grant. The children in this case are ineligible for such support. This proposed change in policy would ensure that this exceptional circumstance could be addressed in this case and in the future.

There will be criterion regarding accessing this funding:

1. This capital funding will only be available to 'kinship' foster carers.
2. The capital funding will only be agreed if the confirmed court plan is for the children to remain with the carers long term and there are no plans of rehabilitation to parents or other.
3. The need has been identified as a long term need by the childcare social worker and Fostering Officer that cannot be remedied through any other means such as moving house or the reasons for not moving have been agreed by Head of Service.
4. All other avenues of support and remedy have been explored and negated.
5. Neither current nor planned appropriate accommodation is or will be available in the relevant geographical area through housing associations or lease.
Appropriate security and guarantee on the property is agreed by and entered into by the recipient, if they own their property or have a mortgage, before any final confirmation of support. Balance of costs become due for repayment immediately if the caring responsibility cease.

Proposal:

In exceptional circumstances the Local Authority will agree to fund capital development that would be cost effective and reflect the needs of the child where alternative formal care placement would be required; this is in the full knowledge that the local authority is not the owner of the building and not likely to receive a return on the investment.

The status quo would mean that the children would have to leave the placement with their family members and be placed with general foster carers. Due to the need to keep the siblings together this is likely to mean that an Independent Fostering Placement will be required. The placement costs in Newport for children in care vary from £11,400 per annum for a child under the age of 4 with no additional needs to £306,800 per annum for a child aged over 11 in residential care. By not investing in this property there will be negative implications both financial for the Local Authority and welfare-wise for the children.

It is proposed that any future decisions for exceptional capital fund development would be considered by the Head of Children Services and Cabinet Member for social services who will determine the level of need and whether this can be agreed. This will then need to be ratified through the normal capital funding decision making process. The need considered will be based on assessment by the allocated worker and evidence of the exceptional circumstances clearly noted. In addition, costs must be reasonable when compared against alternative provision, taking into account likely timeframes over which fostering will take place.

Financial Summary

Quotes for extensions will be obtained through the normal NCC capital works arrangements managed by Norse to ensure the appropriateness of any quote and the subsequent quality of any work. Any proposals will have to be realistic and cost effective. The capital financing costs associated with this cost, where the capital expenditure is funded from borrowing, will be met from within the Children's Social Care budget but this should be less than the associated independent fostering fees or external placement fees over the likely term of fostering at that property.

Risks

The sustainability of any future requests for capital fund development is proportionate, as these will only be considered in exceptional circumstances and agreed by Head of Service. Future costs are unknown and may be nil.

The report details the needs to ensure that Children Looked After are supported under The Local Authority Fostering Services (Wales) Regulations 2018. The risks to NCC are enshrined in legislation since this became statute.

The embedding of good practice and support to foster carers within NCC demonstrates a responsible, positive and courageous council.

The report details the need for the Local Authority to ensure that in exceptional circumstances support to carers to ensure good safe care is provided through capital funding is implemented and adhered.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Do not embed proposal into council policy as the report details. No further development or agreement to support foster carers through capital asset funding in exceptional circumstances.	H	H	The proposal above lays out the mitigation. Discussions have taken place to enable the above to happen and to provide suitable accommodation. Children enter general foster care as they cannot remain long term in their placement due to lack of capital investment. Increase costs to children's services	Head of Children's Services, Strategic Director of People
Standstill the decision to embed the proposal into policy.	H	H	The proposal above lays out the mitigation. Discussions have taken place to enable the above to happen and to provide suitable accommodation. Children enter general foster care as they cannot remain long term in their placement due to lack of capital investment. Increase costs to children's services	Head of Children's Services, Strategic Director of People
Embed proposal into council policy.	L	L	Policy to be written to embed proposal. Children and foster carers will be supported and outcomes for children increase. Sustainable and proportionate funding agreements.	Head of Children's Services, Strategic Director of People

Links to Council Policies and Priorities

The work outlined is to be considered as a truly exceptional circumstance but is part of the wider work of Children's Services which has been developed to support the delivery of the Council's Corporate Plan and is focused on:

- Resilient Communities
- Aspirational People

The Corporate Plan sets out the meeting of the Well Being Objectives. "Supporting children to remain safely with their families" is within Well Being Objective 3 – To enable people to be healthy, independent and resilient.

Options Available and considered

1. A change in policy will allow the Local Authority, in exceptional fostering related circumstances, to fund capital development where the Local Authority is not the owner of the building and not likely to receive a return on the investment.
2. The status quo could remain.

Preferred Option and Why

The preferred option is 1.

Meetings have been held with the Leader of the Council, NCC Housing, the relevant Cabinet Members and the Capital and Strategic Assets Management Board; it has been agreed that this is the way to proceed.

The capital costs to support children in such circumstances will be lower than the alternative foster placement costs. The implications for children who are removed from their family members where they are developing well and thriving cannot be underestimated and research has shown that children's outcomes are higher when they are placed with family.

There will be limited exceptional circumstances whereby this capital fund development is needed and so there should be very little additional requests for these funds. There may be no future costs.

Comments of Chief Financial Officer

The financial support for adaptations to a foster carers property to benefit the welfare of a child in care should be made available if all criteria mentioned in this report is met. There does however need to be the necessary guarantees and security in place to recover the costs when a property that Newport City Council has increased the value of is sold or if the caring responsibilities cease. Any potential future call on this facility needs to demonstrate that costs are reasonable compared to alternative provision, taking into account likely timeframes over which fostering will take place.

Comments of Monitoring Officer

The proposed funding would be in accordance with the Council's general powers under section 2 of the Local Government act 2000 to provide financial assistance in order to promote social well-being. The Council does not have any specific statutory powers to provide this type of capital funding for works to foster carers' properties. The provision of financial support under the Fostering Regulations is confined to the allowances for caring for the children and the use of Disabled Facility Grants is specifically for aids and adaptations to properties to meet the needs of the children. However, the Council can use its discretionary well-being powers to provide capital funding to improve or extend foster carers' properties in order to accommodate the looked after children. If this type of funding is to be provided, then issues regarding the costs of borrowing, risk, repayment and security would all have to be considered. The Council would usually require some form of registered charge or restriction against the property title to secure the repayment of the funding if the foster carers sold the improved property after the work has been completed, or they ceased to provide foster care.

Comments of Head of People and Business Change

The proposed fund would be used in exceptional circumstances to pay for works to family members or friends houses so that children in foster care do not need to be placed in external placements. The impact of being separated from their families on children's wellbeing and long-term outcomes, and also the potential implications of high-cost placements for the Council mean that this policy is preventative in nature. There are no human resources implications to this report.

Comments of Cabinet Member

The Cabinet Members have approved the report for consideration by cabinet.

Comments of Non-Executive Members

Councillor G Berry:

This innovative idea deserves support. I am therefore happy to give my support.

Councillor J Watkins:

I am happy to support this proposal as it will apply to Kinship fostering situations only and it will be considered and implemented on an individual basis. Although there will be no return on such investments for the Authority, it will reduce ongoing fostering costs.

Councillor J Cleverly:

I am happy to support this Proposal to ensure that the young people's needs are met in a safe and appropriate foster placement.

Local issues

Not applicable

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The numbers are expected to be low in terms of requests for capital funding from kinship foster care families and so the significant impact on the protected characteristics is low. Children looked after are low in numbers in Newport and those with kinship foster carers even less; and so for kinship foster carers it is not a significant equalities issues. There is the positive impact of keeping families together, so there is a positive impact on the children and family concerned. This assists families of low income who care for children from their friends or family and are kinship foster carers. It is a fair and positive contribution so children from lower incomes are able to remain with their families when they would not be able to do so otherwise.

Children and Families (Wales) Measure

No consultation has taken place.

Wellbeing of Future Generations (Wales) Act 2015

Report writes need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- **Long term:** This evidences the council's commitment to develop a structure to support foster carers and children long term.
- **Prevention:** Through working to prevent the breakdown in placements this will improve the long-term outcomes for the Children Looked after.
- **Integration:** through providing long term stable placement this will assist with Children looked after remaining within Newport and their families.
- **Collaboration:** working with Newport's foster carers and housing will ensure that policy is embedded and children looked after are provided with appropriate accommodation.
- **Involvement:** The voice of the child, adult and families that NCC work with is enshrined in legislation and a requirement for practice. This policy will support the meeting of the well-being goals of our children looked after.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Template attached

Dated: 5 November 2019