

CABINET MEETING: 21 NOVEMBER 2019

**RIGHT HOME, RIGHT SUPPORT – A COMMISSIONING
STRATEGY FOR ACCOMMODATION AND SUPPORT FOR
CHILDREN LOOKED AFTER**

**CHILDREN AND FAMILIES (COUNCILLOR GRAHAM HINCHEY)
AGENDA ITEM: 2**

Reason for this Report

1. To seek approval of the Right Home Right Support Commissioning Strategy for Accommodation and Support for Children Looked After 2019 to 2022, (referred to as “the Commissioning Strategy”) (Appendix 1), and to note the Market Position Statement (Appendix 2).
2. To seek approval to delegate authority to the Director of Social Services in consultation with the Cabinet Member for Children and Families, the s151 Officer and the Director of Governance and Legal Services for the implementation of strategy priorities.

Background

3. The Commissioning Strategy is part of, and should be read in conjunction with the overarching 3 year Cardiff’s Children’s Services Strategy “Delivering Excellent Outcomes” (2019-2022) approved by Cabinet in July 2019.
4. There is a recognised national shortage of accommodation with care and support for Children Looked After in Wales. In October 2017, the Association of Directors of Social Services (ADSS) Cymru, the Welsh Local Government Association (WLGA) and the National Adoption Services (NAS), made a submission to the National Assembly for Wales Public Accounts Committee Inquiry into services for care experienced children and young people. The submission stated that the increasing complexity of, and the growing numbers of, children looked after are negatively impacting on both the availability of appropriate cost of accommodation and support services. Whilst the submission recognised that positive work of initiatives such as the National Fostering Framework and the work of the Welsh Government Residential Task and Finish Group, the work of the Children’s Commissioning consortium Cymru (4Cs) and Local Authority Placement Teams, it highlighted the lack of

appropriate services for Children Looked After was approaching crisis point.

5. Cardiff has seen a significant rise in numbers of Children Looked After since 2014. The reasons for this rise are varied and complex, but include:
 - Increased level of risk and complexity of children and young people including the impact of exploitation, adverse childhood experiences and unaccompanied asylum seekers.
 - New early help / preventative arrangements which are expected to have a positive impact on supporting families to remain together and promoting family reunification are not yet fully implemented.
 - There are low numbers of children being looked after rather than coming into the care system which results in an overall rising increasing numbers.
 - The population in Cardiff is growing with a consequential increase in need and demand.
6. In September 2017, the Children and Young People's Scrutiny Committee agreed to undertake a Task and Finish Group to make enquiries into "Out of Area" placements. The focus of the group was to:
 - Review the low numbers of children on the Child Protection Register.
 - Review the current provision, including types, provision, cost and impact on resources
 - Identify gaps in local provision and impact on Social Services and Education
 - Identify barriers in providing additional support in Cardiff and the impact on children placed out of area.
7. The Task and Finish Group identified that there was a need for more residential provision in Cardiff and that in particular, settings for young people over 14 years should be prioritised. It recommended that where possible, the Council should utilise its own housing stock to facilitate this growth. The Corporate Plan for 2019 – 2022 sets out the Cabinet's commitment to ensuring that more Children Looked After are supported to live in Cardiff by March 2020. In addition to increasing the number of Local Authority Foster Carers, the plan sets out an intention to increase the range of local residential provision.
8. To achieve the Corporate Plan Objectives, a placement strategy was initiated with the support of the Children's Commissioning Consortium Cymru (4Cs) in January 2019. It was immediately evident that there needed to be a comprehensive project to take this forward and particularly to undertake a full analysis of need and to develop a Commissioning Strategy, a Market Position Statement and an Implementation Plan for all Children's Care and Support Services, not just residential care provision.

Issues

9. Cardiff is facing unprecedented levels of demand for Children Looked After. At the end of March 2019, there were 902 Children Looked After by Cardiff. As a result the Council need to identify a range of accommodation, care and support which enables them to flourish and thrive. Those options include, residential care, foster care, as well as opportunities to for Children Looked After to live with their parents, or family members with appropriate support.
10. These challenges are not unique to Cardiff as other Local Authorities across Wales are facing similar challenges. However, what is not typical about Cardiff is that Childrens' Services are heavily reliant on external providers for both Foster Care and Residential Care and many children are placed outside the Local Authority areas. Children's Services have an underdeveloped in house service for Foster Care. Until recently there has been limited numbers of regulated residential provision in Cardiff. Following work with external providers, the number of residential places for children in the City has increased by 5 since April 2014.
11. The commissioning strategy identifies priorities ranging from a family based approach to being looked after to services to prevent children coming into care. Overall, it is critical that Children's Services deliver this strategic approach to commissioning services that include the development of in-house services and in-area arrangements. This can only be achieved if there is an in-depth understanding of the needs of the children and young people and an evidence-base for developing new services to effectively meet those needs.
12. It is also important the Council continues to work positively with external providers, through clear market position statement and market development strategies which support service developments. A healthy mixed economy is needed to achieve the best value for money and range of services.
13. It is the intention of the Commissioning Strategy (Appendix 1) and Market Position Statement (Appendix 2) to clearly map out the future intentions of Cardiff Council to secure a mixture of in-house and external provision for Children Looked After to effectively meet current and future needs.
14. A detailed Implementation Plan is in development that identifies actions required to deliver the priorities of the Commissioning Strategy subject to approval by Cabinet.
15. The proposed approach to the strategic commissioning of children's social services in Cardiff is to:
 - Ensure that children's rights are at the fore of all service developments and services we develop reflecting what is important to children and young people.
 - Shape internal services to maximise the benefits of public sector provision in terms of quality and value for money.

- Develop local and regional models of support to prevent out of area placements unless necessary for the safety and well-being of the individual child.
 - Work in collaboration with public sector partners and Cardiff and Vale Health Board across the Regional footprint where this offers identifiable benefits.
 - Work closely with external providers of support to children looked after to ensure there is wide range of choice and the ability to work innovatively and creatively accessing a range of resources to improve outcomes.
 - Co-produce outcomes focussed services acknowledging that there are a range of different methods for strategic commissioning with multiple partners who may be co-operatives, charities or commercial partners.
16. The purpose of the Commissioning Strategy is to pull together in one document the Council's analysis of the current service needs and the commissioning priorities that will address the needs identified. The strategy aligns and build on the recommendations and actions set out in Cardiff Councils, 'Capital Ambition Corporate Plan' and the Childrens Services Strategy, "Delivering Excellent Outcomes" .
 17. Subject to approval, the Commissioning Strategy (Appendix 1) and Market Position Statement (Appendix 2) will be shared with all key stakeholders. Engagement with partners and the market is being undertaken, setting out the Council's commissioning priorities and giving providers an opportunity to share with commissioners how they would like to engage with the service area going forward. Individual discussions between commissioners and providers will enable organisations to have more detailed conversations with Council Officers regarding their business plans for future development. It is expected this engagement will assist the strengthening of relationships with providers and maximise the opportunities for their response to service needs.
 18. For each priority, business cases will be prepared for each service which will be subject to the appropriate decision making governance.
 19. The approach will also require engagement with key partners such as education and health colleagues who will have an interest in the developments, will have expertise that can help shape proposals and who are likely to make an on-going contribution to the services when they become fully operational.
 20. This commissioning approach is committed to embedding co-production with children and young people at the heart of the developments. Children and young people will also be afforded the opportunity to influence property related decisions such as layout and décor of buildings that will become their homes.
 21. Supporting the market to better understand Cardiff's needs in respect of Children Looked After will support providers to make appropriate business decisions about setting up services in Cardiff and the

surrounding areas. If successful, this would increase choice, quality and sufficiency in the local area.

22. It is intended that provision will be made for in-house services and those commissioned externally to come together under a common identity to provide consistency and continuity in the quality of care through hub and spoke models. Joint training and development and a sector wide approach to quality will be facilitated by the Council.

Reason for Recommendations

23. As a result of increasing pressures on Cardiff Council's ability to effectively fulfil Corporate parenting responsibilities to provide accommodation and support to children who have entered the care system, it is necessary to develop a strategic approach to commissioning services for Children Looked After.
24. This approach provides data and information on the needs of the Children Looked After population and identifies the range of accommodation and support required to meet their needs.
25. It also provides a clear strategic vision based on evidence of need and analysis of the priorities for development over the next 3 years it therefore supports the delivery of the Council's Strategy for Children's Services approved in July 2019.

Feedback from Childrens and Young Person Scrutiny Committee

26. On the 12 November 2019 the draft Commissioning Strategy (Appendix 1) , and Market Position Statement (Appendix 2) was considered by the Children and Young Person Scrutiny Committee. The letter from the Chair will be circulated once received.

Financial Implications

27. In 2018/19 expenditure of £34.5m was incurred providing residential, fostering and other support for looked after children. Whilst, there are no direct financial implications arising from this report, any initiatives proposed in the strategy will need to be the subject of approval following due diligence of business case. This would need to include consideration of needs, market assessments and impact on capital and revenue budgets.

Legal Implications

28. The first recommendation within the report is to approve the Commissioning Strategy. The purpose of this Commissioning Strategy is to pull together in one document the Directorate's commissioning vision, priorities, statement of intent and sets out how the Directorate is going to achieve it. If approved, when implementing any proposals which relate to the Commissioning Strategy the decision maker should have due regard to such strategy.

29. Going forward, when progressing each Business Case detailed advice, including legal advice should be sought.
30. If there are any existing contractual arrangements in relation to the services, then further advice should be sought as necessary. With regards to terminating any existing contractual relationships, this should be carried out in accordance with the provisions of the contracts and approved in line with the Contract procedure rules.
31. With regards any procurements generally, further advice should be sought as necessary and be carried out in accordance with the Contract Procedure Rules and EU procurement regulations (as applicable).

Equality Impact Assessment (EIA)

32. An EIA was completed to inform the development of the Commissioning Strategy (Appendix 1) the Market Position Statement (Appendix 2) and the developing Implementation Plan. The full EIA is located at Appendix 3 for information. However, to summarise, the proposal is not felt to have a negative differential impact on any of the protected groups identified within the EIA.

Equality Duty

33. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected characteristics' are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.
34. As noted in the report, consideration has been given to the requirements to carry out Equality Impact Assessments ('EIA') and an EIA is attached to the report so that the decision maker may understand the potential impacts of the proposals in terms of equality. This assists the decision maker to ensure that it is making proportionate and rational decisions having due regard to the public sector equality duty.
35. Where a decision is likely to result in a detrimental impact on any group sharing a Protected Characteristic, consideration must be given to possible ways to mitigate the harm. If the harm cannot be avoided, the decision maker must balance the detrimental impact against the strength of the legitimate public need to pursue the recommended approach. The decision maker must be satisfied that having regard to all the relevant circumstances and the PSED, the proposals can be justified, and that all reasonable efforts have been made to mitigate the harm.

36. It is noted that Equality Impact Assessments (which include consideration of views and information obtained through consultation) is attached to this report. The decision maker must consider and have due regard to the Equality Impact Assessment prior to making the decisions recommended in the report.

Well-Being of Future Generations (Wales) Act 2015 – Standard Legal Implications

37. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
38. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
39. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
40. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

General

41. The decision maker should be satisfied that the proposal is in accordance within the financial and budgetary policy and represents value for money for the Council.

42. The decision maker should also have regard to, when making its decision, to the Council’s wider obligations under the Social Services and Wellbeing (Wales) Act 2014, the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

HR Implications

43. There are no immediate HR implications

RECOMMENDATIONS

Cabinet is recommended to:

1. Approve the Right Home Right Support Accommodation and Support Commissioning Strategy for Children Looked After (“the Commissioning Strategy”), and note the Market Position Statement and;
2. Subject to approving recommendation 1, delegate authority to the Director of Social Services in consultation with the Cabinet Member for Children and Families, the s151 Officer and the Director of Governance and Legal services to progress all Business Cases and undertake all required steps in order to implement the Commissioning Strategy.

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| SENIOR RESPONSIBLE OFFICER | Claire Marchant |
| | Director of Social Services |
| | 15 November 2019 |

The following appendices are attached:

- Appendix 1: Right Home Right Support- Commissioning Strategy for Accommodation and Support 2019 to 2022
- Appendix 2: Market Position Statement for the Commissioning of Services for Looked after Children
- Appendix 3: Equality Impact Assessment