



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

28TH FEBRUARY 2023

LOOKED AFTER CHILDREN: RESIDENTIAL CARE TRANSFORMATION STRATEGY 2022-2027

REPORT OF THE INTERIM DIRECTOR OF SOCIAL SERVICES IN DISCUSSION WITH COUNCILLOR GARETH CAPLE, CABINET MEMBER FOR HEALTH AND SOCIAL CARE

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1. PURPOSE OF THE REPORT

The purpose of this report is to:

- 1.1 provide information about children's services plans for developing residential care services in line with the Council's duties, and in the context of the Welsh Government Policy ambition to remove profit from the provision of care for looked after young people, and
- 1.2 Seek Cabinet's agreement to approve and adopt the proposed Looked After Children: Residential Care Transformation Strategy 2022-2027 - Appendix 1.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Considers the information contained within the report;
- 2.2 Note the comments and observations of the Community Services Scrutiny Committee, following pre-scrutiny of the proposed Strategy on the 28th November 2022; and
- 2.3 Agrees to adopt the Looked After Children: Residential Care Transformation Strategy 2022-2027

3. REASONS FOR RECOMMENDATIONS

- 3.1 Children's Services is seeking endorsement of the overall strategy, and the proposal to implement the action plan that will see the Council move to a

not for profit model of provision of residential care that is close to home by 1st April 2027.

4. BACKGROUND

- 4.1 In all cases, the Council supports families to look after children at home, with support where necessary. In January 2022, the Cabinet approved the Council's looked after prevention strategy that sets out its commitment to family support, and making sure that only those children for whom there is no safe alternative, become looked after.
- 4.2 When children become looked after, care by relatives or connected people is always our first option, and foster care where that is not achievable. Some children's needs cannot be met by substitute family care or foster care, and they will need to be looked after in residential care. This strategy, and its related action plan set out the intention to deliver an unprecedented change of strategic direction in relation to children's residential services.
- 4.3 Residential services are an essential element of the portfolio of provision that is required to meet the Council's statutory obligations to looked after children. It has been increasingly evident over recent years that the largely outsourced residential provision has struggled to supply services to meet the changing needs of our looked after young people, and commissioning systems have not entirely had the desired impact.
- 4.4 In 2022 Welsh Government began to implement a policy to eliminate private profit making from the provision of care. There is consequently an urgent imperative on all local authorities to plan for this transformation ahead of 1st April 2027 when it is proposed that all providers will have transitioned to a not for profit status.
- 4.5 Children's Services has taken a sector-leading needs-led approach to the identification of the types of residential provision that will be required to meet the needs of children and in the future.
- 4.6 The vision for this strategy is that by 1st April 2027, all Rhondda Cynon Taf young people who need residential care are looked after close to home in high quality settings where they can thrive, and that they are looked after by a stable, resilient, skillful and well supported staff group.

5. EQUALITY AND DIVERSITY IMPLICATIONS/SOCIO-ECONOMIC DUTY

- 5.1 An equality and diversity assessment has been carried out and has identified positive and neutral impact, no negative impacts were identified.

6. WELSH LANGUAGE IMPLICATIONS

- 6.1 A Welsh language assessment has been carried out and has identified positive and neutral impact, no negative impacts were identified.

7. CURRENT SITUATION

- 7.1 This table provides a breakdown of placement type as at 15th October 2022

| Placement Type | 15/10/2022 | % |
|---|-------------------|----------|
| Foster Care - Independent Sector | 109 | 17% |
| Foster Care – Local Authority Foster Carers | 157 | 25% |
| Relative Foster Carers | 215 | 34% |
| Placed For Adoption | 15 | 2% |
| Placed With Parents | 70 | 11% |
| Residential Care Independent Sector | 49 | 8% |
| Residential Care provided by the Council | 11 | 2% |
| Educational Accommodation | 1 | 0.2% |
| Supported Lodgings | 7 | 1.1% |
| Parent & Child Foster Placement | 4 | 0.6% |
| Parent & Child Unit | 1 | 0.2% |
| Youth Offending Institute | 1 | 0.2% |
| Total | 640 | |

- 7.2 At present there is a mixed commissioning and local authority provision model, and most children who need residential care are living out of county. The Council provides 5 registered children's homes of its own as below, and one setting is available for emergency accommodation that will be refurbished in preparation for registration of a 3 bedded children's home that will be available in Quarter 3 of 2023/24.

- Beddau – approved for 4 children
- Bryndar – approved for 5 children
- Nantgwyn – approved for short breaks for children with a disability who live at home
- Cairn Ingli – approved for 2 young people for 12 weeks for assessment
- Brynna – solo (newly registered 2022)

- 7.3 The increasing demand, juxtaposed with the increasing scarcity of registered children's homes has led to a risk of the Council being unable to avoid reliance upon settings that are recorded as Operating Without Registration (OWR) by the Care Inspectorate for Wales (CIW). This happens where a placement is required but there is not one available

due to scarcity of supply. The matter is included in the Council's risk register. Every effort is made to avoid reliance on OWR. At the time of writing this report, there were 5 such arrangements, and in each situation there is a plan to move respective young people onto registered settings as a matter of urgency.

By the time of there being no alternative to setting up OWR arrangements, officers have carried out extensive searches for suitable registered placements (often 100+), and safe alternatives with family alongside extensive support is always considered as a possibility to avoid OWR. OWR involves staff caring for a child in an address that is not a registered children's home. In the event that OWR cannot be avoided, young peoples' safety and well-being is always the priority, and the setting is carefully risk managed and run in every way as if it were a children's home with enhanced monitoring of safety and quality of care as well as reporting to the Director of Children's Services and CIW on a weekly basis. In each case the OWR arrangement is minimised to the shortest period necessary to identify a suitable registered placement, and can include the Council deciding to register a specific setting for a young person where searches for a suitable placement remain fruitless over a period. This can be a period that is anything between days or a small number of weeks. There are currently 2 of the 5 young people in an OWR placement for whom the Council needs to develop bespoke registered settings, the lead in time for registration will take longer, and up to several months. Both the relevant Cabinet Member and the Corporate Parenting Board will receive more regular detailed reporting in relation to OWR and how the Council is addressing the issues relating to it.

- 7.4 Also included in the Council's risk register is the current challenge in relation to workforce, and recruitment of suitable staff in residential care continues to be a barrier that is being addressed, with some difficulty, via the workforce strategy.

8. DEVELOPING THE STRATEGY

- 8.1 A multi-disciplinary residential steering group was established to guide the work and develop this strategy in 2021/22. Representation was drawn from children's services, education, regional partnership board, housing, and adult services. The background work involved evaluating the evidence of need by carrying out a literature review, secondary data and financial analysis, alongside deployment of an evidence based needs analysis tool (The BERRI (www.berri.org.uk) to assist in mapping future need. There was also engagement with staff in meetings and discussions with multiple stakeholders.
- 8.2 The results of this work concluded that there are benefits to rethinking the use of residential care and developing more children's homes. The opportunity to create the range of needs-led homes required will be different than can be achieved by market-based commissioning which is dictated by provider availability. The number of homes Rhondda Cynon

Taf has of its own will need to increase, and children’s services will need to develop its not for profit commissioning capability whilst managing the meanwhile risks of a contracting availability, and supporting those young people who are presently in independent provisions. There is considerable uncertainty about the transition arrangements for existing for profit provisions, and what regional or national not for profit collaborations might fill the gap. These developments will need to happen over a number of years in a planned sequence, and will need close financial and operational management.

8.3 The evaluation work led to the development of a schedule of future residential needs which is summarised below in 6.4. There are 3 subgroups reporting to the steering group that are responsible for coordinating the significant work that is required with input across the Council and partnership landscape. The subgroups themes are:

- Workforce
- Estates and Finance
- 16+ yrs Accommodation

8.4 In the case of each of the settings identified below there will be a business case that addresses the detailed evidence of need, the funding source and the provision of information to any ward member in relation to any sites that have been identified. This process is noted in 2.1 of the action plan accompanying the strategy document, and the format for this has been agreed.

9. OUTLINE SCHEDULE OF RESIDENTIAL CARE NEEDS

9.1 The schedule of need is broken down into 2 areas (i) those provisions that need to be available in the next 4 years, and ahead of at April 2027, and (ii) those provisions that will require longer term development and take account of the changing environment and review of the strategy planned for 2026-7, and evaluation of the changing transition environment and firm legislative intent at that time.

9.2 The prioritisation of developing new settings will be determined by the steering group in conjunction with the estates and finance sub group bearing in mind the urgency of emerging need, the availability of sites, staff and funding.

| Area of Need | Provision Type | Number of young people in setting |
|--|---|-----------------------------------|
| (i) Emergency Accommodation – Same Day | De-escalation, reduce anxiety, stabilise whilst searching for suitable homes. Likely, but not always to be for boys | 3 or 4 young people |
| (i) Complex Needs | Regional provision. | 3 or 4 young people |

| | | |
|---|--|-----------------------------------|
| | <p>Integrated Health, Education and Social Care led by Regional Partnership Board (RPB). Secure or in patient avoidance for children with the most complex care and support needs.</p> <p>An RPB work stream has been established.</p> | |
| (i)Carn Ingli II | Trauma informed approach – seek to assess and step down to home, relatives or most suitable care setting - 12 weeks period of accommodation. | 2 or 3 young people |
| (i)Therapeutic Homes x2 | Mid – Long term therapeutic provision, move on from Carn Ingli for those who cannot return home or to relatives. Likely one for girls with focus on recovering from exploitation and one for boys. This is a new model of care for RCT. | 2 settings for 4 young people |
| (i)Beddau / Bryndar x 2 | Family style approach to care for children with mid – long term needs; transition to reunification with family or supported living as an adult | 2 settings for 4 young people |
| (i)Children with Disabilities * | Increased short breaks and 2 beds for 52 weeks placements. | 12 + short breaks and 2 long term |
| (i)Transition to adulthood – (complex needs) | Joint work with adults services for young people who will have care and support needs in adult services. | 3 young people |
| (i)Fostering Well-being | A new model that will require evidence based scoping of care for young people who need foster care but for whom a foster family cannot be identified. | To be confirmed |
| (ii) Co-located accommodation at Special School | Increased short breaks and 2 beds for 52 weeks placements (Provision * may be stood down for this to be made available). | To be confirmed |
| (ii) Specialist ASD | Integrated health and social care | To be confirmed |

| | | |
|-----------------------|--|-----------------|
| | Those ASD young people with most complex needs. | |
| (ii) Parent and Child | Regional : 12-15 weeks to assess risk and develop attachment / parenting. Inform decision about future support to family or whether baby / children should become looked after. | To be confirmed |

10. MONITORING OF THE STRATEGY AND ITS ACTION PLAN

- 10.1 The performance measures for the strategy are included in the accompanying strategy document at page 21. Delivery against this strategy and its action plan will be monitored by the Residential Transformation Steering Group. The impact of this work, and the need for a future strategy and action plan will be reviewed in 2026/7 ahead of the implementation of the legislative intention.
- 10.2 An annual report will be provided to Corporate Parenting Board and the relevant Scrutiny Committee.

11. CONSULTATION/INVOLVEMENT

- 11.1 Consultation with stakeholders is noted above. Young people are clear about the benefits of RCT provided residential care, and their voices are regularly noted in Regulation 73 reports to Corporate Parenting Board. Young people will be involved in as many aspects of design as possible.
- 11.2 The proposed strategy was pre-scrutinised by the [Community Services Scrutiny Community](#) in November 2022.

12. PRE-SCRUTINY OF THE CHILDREN'S SERVICES RESIDENTIAL TRANSFORMATION STRATEGY

- 12.1 The Community Services Scrutiny Committee met on the [28th November 2022](#), to consider pre scrutiny of the Children's Services Residential Transformation Strategy.
- 12.2 Members acknowledged the considerable uncertainty around providers continuing with a not-for-profit model of delivery by 2027 and wanted reassurance that, if some for-profit organisations, exited the sector, specific provisions were still in place for children and young people to be taken care of.
- 12.3 Members recognised the legislative intention in the drive to take profit out of the equation but raised concerns that this would have unintended consequences and cut across the drive, to reduce the number of residencies out of county.

- 12.4 Members felt that it was important for Young People not to be living in bed and breakfast accommodation, whilst acknowledging there were no RCT under 18-year-olds in such accommodation.
- 12.5 Whilst recognising the shortfalls in the market provision and there were certain exceptions, Members felt it was important for Young People to be reasonably placed, rather than out of county.
- 12.6 Members felt it was important to consider the appropriate provision, in the right place, acknowledging the need to increase capacity, closer to home, with a sense of urgency

13. FINANCIAL IMPLICATION(S)

- 13.1 This is a difficult to control area of budget with increasing costs in association with the national minimum wage, the cost of living, inflation, and the impact of instability and increasing demand leading to increasing costs.
- 13.2 In order to achieve the ambition, the following cost areas have been identified:
- **Capital:** Development of the new sites to the standards required for registration with CIW
 - **Revenue (Infrastructure):** Staffing and expertise to develop the provisions, some of this will be time limited, but the need for focus on quality outcomes and compliance with RISCA (Regulation and Inspection of Social Care Act (Wales) 2016) will have longstanding financial impact.
 - **Revenue:** Running costs of each new provision as it is developed
- 13.3 An outline assessment of the likely capital and revenue costs over 3 years has been carried out in preparation for the submission of a £17.1 million funding proposal to Welsh Government under the Eliminate and Change funding. At the time of writing a decision is awaited.
- 13.4 An application has been made and agreed in principle for a capital grant under the Housing with Care fund via RPB for investment before 31st March 2023, and subsequent applications may be made.
- 13.5 A Regional Integration Fund application for staffing to embed trauma informed practice has been made, but is unlikely to be forthcoming in the current context.
- 13.6 As highlighted above a business case format for each individual setting and investment has been agreed. This is the method for assessing the capital and revenue impact of each setting for the Mid Term Financial

Plan. Final decision making lies with Group Directors for Finance and Social Services in consultation with Cabinet Members.

14. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 14.1 This report and the related strategy is specifically concerned with s.75 of the Social Services and Well-Being Act (Wales) 2014, and the duty to secure sufficient accommodation for looked after children in relation to residential care.
- 14.2 The role of a corporate parent is to seek for children in public care the outcomes every good parent would want for their own children.
- 14.3 The registration of Social Care and Inspection (Wales) Act 2016 sets out duties in relation to the registration and regulation of children's homes, and Section 5 of the Regulation and Inspection of Social Care (Wales) Act 2016 states it is an offence to provide a regulated service or services in Wales without being registered to do so. It is in relation to this breach of law that the Council provides weekly OWR reports to CIW, seeking to ensure that young people are placed in suitable registered provision as soon as possible where OWR has become unavoidable.

15. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 15.1 This provision also supports the Council to contribute to all of the seven well-being goals:-
- **A prosperous Wales:** children who receive the right care and support are better prepared for adulthood and achieving prosperous futures.
 - **A resilient Wales:** children who are given every opportunity to meet their developmental milestones and overcome barriers to developing skills are prepared with the space to grow and the tools to build resilience throughout life.
 - **A healthier Wales:** access to high quality local services supports children to meet their developmental milestones and develop social skills, enhancing their emotional wellbeing.
 - **A more equal Wales:** by delivering a full range of residential care provision in all localities to meet the needs of children and parents ensures that children and families have access to high quality childcare irrespective of where they live.
 - **A Wales of cohesive Communities:** access to services that are not restricted to particular communities promotes equality and harmony across communities and the means to share community resources in order to be responsive to need and build resilience.

- **A Wales of vibrant culture and thriving Welsh language:** children who are given the potential to thrive learn to be tolerant and accepting, preparing them for a multi-racial, globalised adult world.
- **A globally responsible Wales:** children who have access to high quality care and support are afforded experiences that prepare them to be globally responsible.

16. STRATEGIC OR RELEVANT TO ELECTORAL WARDS

- 16.1 The document is strategic and is applicable to all electoral wards and residents of Rhondda Cynon Taf.

17. CONCLUSION

- 17.1 The Council has a duty to secure sufficient accommodation for looked after children under s.75 of the Social Services and Well-Being Act (Wales) 2014.
- 17.2 Current arrangements do not entirely meet need, and will need to change in line with the proposal to legislate to remove profit.
- 17.3 The Strategy to Transform Residential Care that has been prepared with a view to ensuring that young people who need residential care are looked after close to home in high quality settings where they can thrive, and that they are looked after by a stable, resilient, skillful and well supported staff group.
- 17.4 The Pre-Scrutiny process has recommended that the Strategy be presented to Cabinet for approval.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background papers

None.

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