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**By:** Paul Brightwell, Policy and Performance Manager – Looked After Children/leaving Care

**To:** Children’s Champions Board – 19 May 2010

**Subject:** The placement of Looked After Children by other local authorities in Kent

**Classification:** Unrestricted/Exempt

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**Summary:** An update report on young people placed in Kent by other local authorities.

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### Introduction

1. (1) The report provides an update on children and young people placed into Kent by other local authorities (OLA LAC) since the previous report presented to the Children’s Champion Board in November 2009).
- (2) The report does not focus on issues relating to KCC Citizen LAC placed out of authority or unaccompanied asylum seeking children and the pressures this places on Kent as a gateway authority in securing sufficient and appropriate placements for them.

### Background

2. (1) A number of local authorities, particularly London Boroughs, place large numbers of their Looked After Children outside their local authority areas. Inevitably, distance from home and community makes it difficult to meet these children’s needs by the placing authority alone, which has led schools and other agencies to express concern that these children are disadvantaged in comparison with KCC LAC.
- (2) Kent as an authority has been adversely affected by this practice – it is a net importer of OLA LAC, while the placement of KCC LAC out of area is relatively modest, being determined on the needs of individual children with respect to their permanency plans.
- (3) The responsible local authority placing the child out of area remains legally responsible for ensuring that the child’s needs are being met and their welfare is promoted. This includes ensuring that the child has a named social worker, Independent Reviewing Officer, an up to date Care Plan (including a PEP, Health Plan and Permanency Plan) and a suitable placement. Host authorities have limited responsibilities (or rights) in relation to OLA LAC. These are:
  - (a) Identification of provision of a school place (if statutory school age)
  - (b) Assessment and provision of education support
  - (c) Child Protection investigation arising out of the child’s placement in the host authority area
  - (d) Primary and other free health services
  - (e) Connexions Service

- (4) The negative impact upon both children and the host authority of the practice of placing LAC long distances from their home has been well documented in the inquiries led by Utting and Warner in the 80's and 90's and locally in KCC's Thanet Report (2004). The government recognises the problem and has in the past:
  - (a) Reminded authorities of the legal requirement to notify/seek agreement from the proposed host
  - (b) Introduced the less than 20 miles from the family home performance indicator (which is not part of the current National Indicator System)
  - (c) Set up a LAC Taskforce to help authorities develop a more robust commissioning process.
- (5) Kent has worked hard to bring this matter to government attention, which has included:
  - (a) Lobbying government to introduce national protocols on placing LAC out of authority – including a requirement that money should follow the child (a proposal which so far has been rejected)
  - (b) Work directly with authorities to encourage them to develop local placement strategies
  - (c) Work with Independent Fostering Agencies (IFAs) and P&V Sector to persuade them to take their services to the authorities that need them rather than making the child move.
  - (d) Encourage authorities not to place in particular parts of Kent (i.e. Thanet)
- (6) None of these measures has had any significant impact on reducing the numbers of OLA LAC in Kent. Since the introduction of Care Matters in 2007, the number of OLA LAC in Kent has shown an upward trend, increasing by approximately 200 children.
- (7) There are ongoing concerns that the large number of OLA LAC is impacting on the ability of KCC to undertake its corporate parenting responsibilities. The most recent education performance figures on National Indicators (NIs) 99 to 101 (September 2009) suggest that KCC LAC are underperforming in relation to predicted targets on these NIs. With respect to the health of LAC, while performance on health assessments and dental checks is now equivalent to the national average, Independent Reviewing Officers (IROs) are reporting that in the majority of cases KCC LAC are failing to receive an initial health assessment within 28 days of becoming looked after. This statutory requirement is an important baseline for monitoring health needs from the point children become looked after.
- (8) CFE SMT has recently (March 2010) decided that the role of Kent's Headteacher for LAC and Care Leavers should focus primarily on promoting better outcomes for KCC LAC, with the benefits for OLA LAC being indirect through the role that the Head Teacher for LAC has in driving up standards for LAC generally within Kent Schools and their support services and in networking with other Virtual School Headteachers.
- (9) The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement, and Case Review (DCSF, April 2010) sets out specific measures to reduce the number of children being placed out of authority through the Sufficiency Duty and Regulation 11 (see briefing at Appendix 1).

- (10) With respect to funding of OLA LAC, there is no measure (either current or to be introduced) that forces responsible authorities to reimburse host authorities/partner agencies for the full cost of services provided by them to these children except in very narrow circumstances:
- (a) Where a Local Authority places a looked after child with a Statement of SEN in another Local Authority the placing authority is financially responsible for the special educational provision (as determined by reference to regulation 7 of the 'Belonging Regulations'). The receiving authority will be able to recoup the cost of the statement through the normal recoupment process as determined by the Education (Inter-authority Recoupment) Regulations 1994. Where an assessment of SEN of a looked after child placed by another Local Authority results in a statement the cost of the statement will also be recouped under the same regulations.
  - (b) As set out in the NHS Responsible Commissioner Guidance

### **Key Details – Looked after children placed in Kent by other local authorities**

3. (1) As at 28/02/2010 KCC records show that there were 1383 children/young people looked after by another authority placed in Kent. This is a decrease of 42 since 2/11/2009, although it is 56 higher than numbers at March 2009 and 159 higher since March 2007. A detailed breakdown of OLA LAC by placing authority is presented in the 4 tables presented at Appendix 2.
- (2) With respect to age breakdown, the November 2009 report highlighted that the majority of OLA LAC placed in Kent are aged between 11 years and 17 years (approximately 67%), with 14 and 15 years being the largest age groups. Based on January 2008 data it would be expected that the majority of these children/young people are male (62%). This is a slightly higher proportion when compared to KCC LAC (55% male) and national average (55%).
- (3) The data shows that, excluding Medway, there are 11 authorities (all London Boroughs) that place 10% or more of their LAC in Kent:
- Bexley (28.8%)
  - Greenwich (21.5%)
  - Havering (16.5%)
  - Lewisham (14.3%)
  - Waltham Forest (12.1%)
  - Newham (11.3%)
  - Sutton (11.2%)
  - Hounslow (10.9%)
  - Islington (10.5%)
  - Merton (10.4%)
  - Bromley (10%)
- (4) Based on the 28/02/2010 data there are 89 authorities who have one or more of their looked after children placed in Kent – a reduction of 5 authorities since November 2009.

## **Background Documents:**

Appendix 1:

Briefing 3: Sufficiency – statutory guidance on securing sufficient accommodation for looked after children

Appendix 2:

Breakdown of OLA LAC placed in Kent

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