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To: Social Care and Public Health Cabinet Committee - 12th June 2013

Subject: **LOCAL GOVERNMENT OMBUDSMAN REPORT**

Classification: Unrestricted

Summary: Report sets out the findings of the audit which was required by the Local Government Ombudsman following the publication of the "Report of Investigation into complaint about Kent County Council and Dover District Council" (July 2012)

Recommendations: Members are requested to consider the findings of the audit and note the resulting actions.

1. Introduction

- (1) In 2009 the Law Lords heard the Appeal in the case of "G" vs. The London Borough of Southwark, and concluded that the Children Act (section 20) must take precedence over the homelessness legislation when a 16 or 17 year old presents as homeless. In essence, a 16 or 17 year old must be assessed, and if it is not possible for them to return home, then in all but the most exceptional cases, they will be found to be a child in need, and offered support under Section 20 of the Children Act.
- (2) In 2012 the Local Government Ombudsman (LGO) published a report on the investigation of a complaint about KCC and Dover District Council in respect a homeless young person. The report made a number of recommendations including:

"That council(s) should undertake audits to satisfy themselves that their staff now about and apply the "Joint Protocols" about homeless young people aged 16-21. The results of these audits should be reported to the Executives on the appropriate Scrutiny Committee."
LGO Report 31 July 2012
- (3) This report responds to the LGO recommendation by providing the findings of an audit of young people aged 16 to 17 who were referred to Specialist Children's Services between the 1st July and the 30th September 2012. The audit was completed by a team from the Safeguarding Unit, Youth Offending Service, 16plus, and District Social Work teams, in November 2012.

2. Financial Implications

- (1) The audit identified a number of areas for development in relation to the needs of 16/17 years olds presenting as homeless. The future planning and provision of this resource is addressed in the Local Authority Sufficiency Statement for Children in Care which is reported separately to this committee.

3. Bold Steps for Kent and Policy Framework

- (1) This area of activity falls within the perspective of “Tackling Disadvantage”, one of KCC’s three Ambitions.

4. The Report

The principal issues identified from the audit of 61 cases are as follows:

- (1) The initial response from the County Duty service showed an understanding of the G vs. LB Southwark Judgement and that the young person was likely to reach Child in Need Threshold at Tier 3 in accordance with Kent & Medway Inter Agency Threshold Criteria for Children in Need.
- (2) The principle established in the Southwark judgement, reiterated in statutory guidance (DCSF/DCLG 2010); that there can be no doubt that where a young person requires accommodation, as a result of one of the factors set out in S20 Children Act 1989, then that young person is in need and must be provided with accommodation and as a result as being accommodated the young person will be looked after; was not consistently understood across the Districts.
- (3) Although the audit found some good examples of practice with rounded assessment and support being put in place in 15% (9) cases the referral was dealt with inadequately, and in one further case immediate action was required. These 9 cases were characterised by early closure. Reasons for the inadequate rating included the case being closed before the housing problem was resolved (see below), or the young person’s immediate accommodation need being provided through Bed & Breakfast, but lack of follow through to ensure they were supported, for example to claim benefits, or more permanent living arrangements

“The Secretary of State considers that Bed and Breakfast accommodation is unsuitable for 16 /17 years old”
DCSF/DCLG Guidance 2010
- (4) Almost half the young people in the audit sample were already known to Youth Offending services, which may demonstrate a link between disadvantage, deprivation and further problems such as homelessness.
- (5) In 29% (18) cases the young person became Looked After. Two of the young people had been Looked After for a period in early childhood.
- (6) Auditors noted in the majority of cases, that there were underlying problems and needs, associated with the presenting problem of homelessness.

- (7) In the entire open caseload (86 cases) 59% had two or more previous referrals, with 16% (14) having more than 5 previous referrals to Specialist Childrens Services. In 29% (18) cases the young person had returned home or to a family member in the early stages of intervention. However closure of the cases before the young person's problems had been resolved was a theme in the inadequate cases.
- (8) Auditors saw examples of the young persons' cases being closed and re-opened in a short period of time, with subsequent re-referral, with the same problem. In 43% (26) cases auditors queried why the case had been closed before a solution had been found for the young person and there were ongoing needs.

5. Conclusions

- (1) The audit identified a need for Specialist Children's Services response to homeless 16 and 17 year olds to be urgently addressed. The following developments are proposed by Specialist Children's Services Divisional management team:
 - (a) Adolescent Support Teams have been established in each Area, and County Duty now refers homeless 16/17 year old cases in North, West and South Kent to qualified social workers in these teams. To address the need for qualified staff to provide the service in East Kent, due cognisance is being given to transfer of staff from other front line teams in the area.
 - (b) Training workshops have been organised for staff from the new Adolescent Support Teams, Housing Options Managers, Youth Offending, Connexions, 16plus, Kent Integrated Adolescent Support Services, and Skills and Employability Managers.
 - (c) All new and locum staff in Specialist Childrens Services will be given training on Youth Homelessness.
 - (d) A new dispute resolution process between Housing and Specialist Childrens Services (to be overseen by the Chair of the JPPB and the Director of Specialist Childrens Services) will be included in the updated Joint Protocol.
 - (e) The Dartford Model of early intervention and family reconciliation will be taken forward County wide with the oversight of Specialist Children's Services DivMT. Initial discussions have taken place with the Chair of the Joint Planning and Policy Board (Housing) to start the process of establishing the model with the other eleven local housing authorities in Kent.

In 2011 Specialist Childrens Services and Dartford Borough Council, alongside the Adolescent Resource Centre, YMCA, Thames Gateway and Dartford Connexions, agreed to initiate a pilot scheme for Kent County Council, which was based on the Brent model. The 'Dartford' pilot works

with the homeless young person and offers rapid response mediation with the family. If the young person returns home there is regular contact, and fortnightly case review meetings, until all parties are satisfied the crisis is over. The lead professionals are a Senior Homelessness Prevention Officer (District Council) and a social work assistant, with regular management supervision.

If a young person is unable to return home due to safeguarding or other issues, then an initial assessment, under the Children Act 1989, takes place and the young person is given an explanation of the implications of becoming a Child in Care or a Child in Need. Crash Pad accommodation is offered in the YMCA for a maximum of 14 nights until more permanent accommodation can be found.

- (f) Joint funding arrangements for emergency bed spaces/supported lodgings to be explored so that a Kent wide response is available.
 - (g) The Joint Planning and Policy Board (Housing) is looking for formal consultation and involvement in the development of the sufficiency statement. This will include discussion of the resources for the two actions above.
 - (h) Training on the Common Assessment Framework (CAF) to be delivered to all housing staff.
- (2) The findings of the audit identify a range of actions necessary to improve services to this group of vulnerable young people. Specialist Childrens Services will continue to work closely with local partners and the LGO to monitor and review services to homeless 16/17 year olds and ensure that they receive appropriate support as defined by the Southwark Judgement.

6. Recommendations

Members are requested to consider the findings of the audit and note the resulting actions.

7. Background Documents

- (1) Local Government Ombudsman Report on an investigation into complaint no 09 017 510 about Kent County Council and complaint no 09 017 512 about Dover District Council
- (2) Joint Protocol to address the needs of homeless young people aged 16 to 21 in Kent, 2010,
- (3) DCSF/CLG Statutory Guidance "Provision of accommodation for 16 and 17 year old young people who may be homeless or require accommodation"
- (4) Re G vs. LB Southwark (2009)

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