

From: Roger Gough, Cabinet Member for Children, Young People and Education
Matt Dunkley, Corporate Director of Children, Young People and Education

To: Children's, Young People and Education Cabinet Committee – 8 May 2018

Subject: Other Local Authority Looked After Children (OLA-LAC)

Classification: Unrestricted

Electoral Division: All

Summary: This report sets out a position statement for services within Specialist Children's Services regarding Looked After Children (LAC) placed in Kent by Other Local Authorities (OLA) and the impact upon schools and Kent's Children in Care and Youth Justice Services, particularly when the ADCS Directives on the Placement of Looked After Children in Kent by OLAs are not observed.

Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **DISCUSS** the current situation and priority areas for concern.

1 Introduction

- 1.1 Children and young people enter local authority care either by parental agreement or Court Order. The authority that accepts the child into their care retains responsibility for their care planning and wellbeing regardless of the location of their placement. Kent, by virtue of the number of Independent Fostering Agencies and residential homes located in the county, has significant numbers of children and young people for which they have to provide local community, health and education services but for whom they have no legal responsibility.
- 1.2 The Care Planning, Placement and Case Review statutory guidance and the associated regulations outline duties on local authorities to notify the host local authority if they place a child in care within their area. It also requires children's homes to notify their host local authority when a child is placed with them by another authority.
- 1.3 This report should provide assurance to Cabinet Committee members that the Directorate can demonstrate that it is compliant with its duty under the Children's Act and the Care Planning and Regulation Vol 2 (2015). The report demonstrates how the core business of the Directorate is fundamental to the quality outcomes for all children living in the county.

2 The Situation in Kent at 28 February 2018

2.1 Kent continues to host high numbers of Other Local Authority Looked After Children (OLA-LAC). The number as at 28 February 2018 of OLA-LAC was 1272 with the majority of these placed in the county by London Boroughs.

2.2 The chart below compares the location of the OLA-LAC population across the county by district with Kent citizen children in care. 234 Kent Looked After children are placed outside of the County (103 in Medway and 131 in other local authorities). Appendix 2 outlines the location of Kent LACs by location. Of the 131 Kent children placed in OLAs (not Medway) 45 are UASC and 25 are Disabled Children and will be in specialist placements.

2.3 This means that we only have 61 citizen children placed outside of Kent, or just under 4% of our total cohort.

Kent LAC & OLA LAC placements as at 28 February 2018

Placement District	Kent LAC	OLA LAC*	Totals
Ashford	118	106	224
Canterbury	201	137	338
Dartford	48	100	148
Dover	109	88	197
Gravesham	98	72	170
Maidstone	93	78	171
Sevenoaks	49	92	141
Shepway	131	78	229
Swale	148	214	362
Thanet	288	234	522
Tonbridge and Malling	69	53	122
Tunbridge Wells	16	20	36
Confidential Address	69		
Medway	103		
OLA	131		
Totals	1668	1272	2660

*The accuracy of the information cannot be assured due to the reliance on other local authorities to notify Kent County Council of new placements, changes in placements and the end of placements.

Some local authorities also fail to respond to requests from Kent County Council to validate the information held regarding OLA Placements in Kent. Therefore, the figures provided are reflective of the information currently held by Kent County Council at this time.

2.4 Appendix 1 provides comparative data of the percentage of total looked after children in a Local Authority that are placed by another LA (SSDA 903 2017). Of note is the fact that Kent appears in the bottom quartile of all local authorities on this graph for the percentage of OLA CIC that they host. Whilst Kent hosts large numbers of other local authority children, as a proportion of the total population, the county is not as challenged as other authorities. However, the significant

issue for Kent is not the *total* number of OLA CIC in the county but the concentration of these vulnerable children in areas already under extreme overall demand on services including education and children’s mental health.

- 2.5 There are 43 other local authorities that have 10 or more children placed in Kent based on the data we held as at the end of Feb 2018. They are predominantly London, South-East and East of England authorities as might be expected. The top 5 authorities that placed in Kent, apart from Medway, are listed below and as part of the Annual Conversation in February, Ofsted agreed to host a meeting with KCC and these authorities to find a way forward.

OLA Placing Authority	Number of LAC Placed in Kent as at 31/03/2017	Placing Authorities Total LAC number as at 31/03/2017*	% Placed in Kent	Number of LAC Placed in Kent as at 05/02/2018
Greenwich	121	495	24.4%	114
Lewisham	80	455	17.6%	82
Surrey	61	870	7.0%	60
Southwark	52	500	10.4%	47
Bromley	50	290	17.2%	31

3 Vulnerabilities of the OLA Looked After Cohort

- 3.1 Looked after children placed in Kent by OLAs remain the responsibility of that local authority in regards to social work intervention and care planning. Responsibilities for meeting the education and health needs of those children fall to local Kent services. Statutory Guidance, which came into place in July 2014, states that placing Local Authorities should consult with host authorities prior to placing children in their area. In particular placing authorities should confirm how the child will be effectively safeguarded and how they will access the services they need. A letter was sent to all Directors of Children’s Services highlighting that the current statutory guidance is rarely followed, the impact of OLA-LAC on local services and requesting that other local authorities consult with Kent prior to placing any children and young people. Key agency contacts were included with the letter, the details of how to notify Kent of a child being placed in the area and an offer to provide clarification and updates to regional ADCS groups.
- 3.2 Despite the requirement that placing authorities consult with the receiving authority as to the suitability of the placement area, this rarely happens. Young people are moved away from their family and social networks in their host authority where challenges such as gang activity or child sexual exploitation are a concern and are placed into areas where the concerns have the potential to replicate locally. On occasions Kent has only become aware of the placement when the young people have come to the attention of other agencies such as the Police.
- 3.3 Whilst OLA Children are not the responsibility of Kent’s Specialist Children’s Services, should a safeguarding incident occur while they are living in Kent, it is the responsibility of Kent to hold a Strategy Discussion, and decide whether or not the threshold for a S47 investigation has been met. Data shows that OLA-LAC have a significant impact on the Central Duty Team, for the period April 17

to March 18 there have been 112 Strategy Discussions that have taken place for 75 OLA Children.

4 PREVENT

4.1 Due to the sensitive nature of the PREVENT work it is not possible to report on specific data relating to the breakdown of cases referred to the Channel Panel, as the data is owned by the Police and the Office of Security and Counter Terrorism (OSCT). However, it is possible to state that there have been a number of OLA young people referred to panel, most of whom met the threshold for Channel intervention.

5 Missing

5.1 The number of missing episodes continues to be the highest for looked after children. The main reason for going missing (56%) is to seek contact with family or friends. This adds further risk for OLA children as they have further to travel, particularly for repeat and multiple episodes. This is of concern to Kent due to the high overall numbers of OLA-LAC, predominantly in Kent's higher risk areas in the east of the county.

5.2 The charts below compare the number of individual missing Kent and OLA-LAC and the overall number of missing episodes reported in Kent between April and December 2017.

Kent LAC and OLA LAC that started at least one Missing Episode between April 17 – December 17 by Placement District

Placement District	Kent LAC	OLA LAC
Ashford	34	19
Canterbury	30	24
Dartford	5	14
Dover	19	29
Gravesham	35	15
Maidstone	10	16
Sevenoaks	3	7
Shepway	28	16
Swale	22	33
Thanet	65	55
Tonbridge and Malling	15	6
Tunbridge Wells	8	1
Totals	274	235
Ratio of Children to episodes	5.2	4.4

Missing Episodes started April 17 – December 17 for Kent LAC and OLA LAC by Placement District

Placement District	Kent LAC	OLA LAC
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Ashford	145	59
Canterbury	141	97
Dartford	32	63
Dover	129	166
Gravesham	201	114
Maidstone	62	59
Sevenoaks	11	12
Shepway	93	63
Swale	90	77
Thanet	423	308
Tonbridge and Malling	47	13
Tunbridge Wells	42	5
Totals	1416	1036

6 Youth Justice

6.1 Kent's Youth Offending Service (YOS) offers a full range of youth justice services to OLA-LAC who are known to the Youth Justice (YJ) System. This is in accordance with the Youth Justice Board National Protocol for Case Responsibility (revised January 2018), which has a set of overarching principles designed to assist local services to:

- work in partnership with others to support practice that safeguards children's welfare
- manage public protection issues
- ensure supervision meets court expectations

6.2 During the whole of 2017, Kent YOS worked with 83 OLA-LAC which represents 7% of the overall caseload for that period. The vulnerabilities of those children reflect those generally seen in the OLA-LAC population in Kent. However, it is also notable that the OLA-LAC group known to the YJ System has a significantly higher proportion of girls (40% as compared to 23% in the overall offending population). Black, Asian and Minority Ethnic (BAME) children are also over-represented in this group as compared to the overall offending population and the Kent population. This may reflect ethnicity within the placing authorities but is indicative of what is observed across the Criminal Justice System (Lammy Review 2017).

6.3 During that period those 83 OLA-LAC were responsible for approximately 10% (288) of all offences. The most common offences were criminal damage and offences against the person, the majority of which occurred within the placement and are of concern as this leads to the disproportionate criminalisation of OLA-LAC.

6.4 As a result, those children were made subject to 133 individual outcomes, both Out of Court Disposals (OOCDD) and court orders, with some children receiving more than one outcome. The most common outcome was a Community Resolution, this is an informal outcome which does not appear on a child's PNC record. This reflects the Kent Criminal Justice Board's Kent & Medway Joint Protocol to Reduce the Criminalisation of Children in Care, which aims to divert looked after children away from the Criminal Justice System using Restorative

Practices and where a disposal is a proportionate response, to be imposed at the lowest possible tariff. OOCd for all looked after children are decided at a multi-agency panel to ensure this principle is upheld. All OLA-LAC subject to OOCd are offered diversionary activities through Early Help and Preventative Services in liaison with their social worker.

- 6.5 The next most common court outcomes are Referral Orders and Youth Rehabilitation Orders. These orders are supervised by Kent YOS on behalf of, and in liaison with, the placing authority social worker and YOS. The full range of interventions, including alternative to custody options, are provided. The County Youth Justice Board receives a quarterly report detailing performance against the statutory performance indicators, with OLA-LAC reported as a specific cohort.

7 Local Authority Designated Officers (LADO) Service

- 7.1 The LADO Service has reported for a number of years that children placed within Kent from other areas have a high level of vulnerability and anecdotally can be defined as 'difficult to place'. This may place them at greater risk of targeted harm and possible abuse, as they often arrive with considerable emotional distress and challenging behaviour and this can also mean staff that are responsible for their care can also be very vulnerable.

- 7.2 131 (44%) of the total number of referrals to the LADO service regarding Kent's Looked After Children are Kent citizen children in care and 171 (56%) are OLA-LAC. This evidences an increased demand for the LADO Service in relation to the additional vulnerable children and young people placed from outside Kent into the many Residential Children's homes and Independent Fostering Agency provision.

8 Unaccompanied Asylum-Seeking Children (UASC)

- 8.1 Since the introduction of the National Transfer Scheme (NTS) in July 2016 Kent has not been expected to take responsibility for further UASC until our numbers reduce in line with Government Guidelines. However, Kent continues to become aware of OLAs who are taking responsibility for UASC and then placing them back into foster placements in Kent. There have been 10 such placements made since the introduction of the NTS. Each of these placements has been challenged and, in most of the cases, the young people have been moved.

9 Education

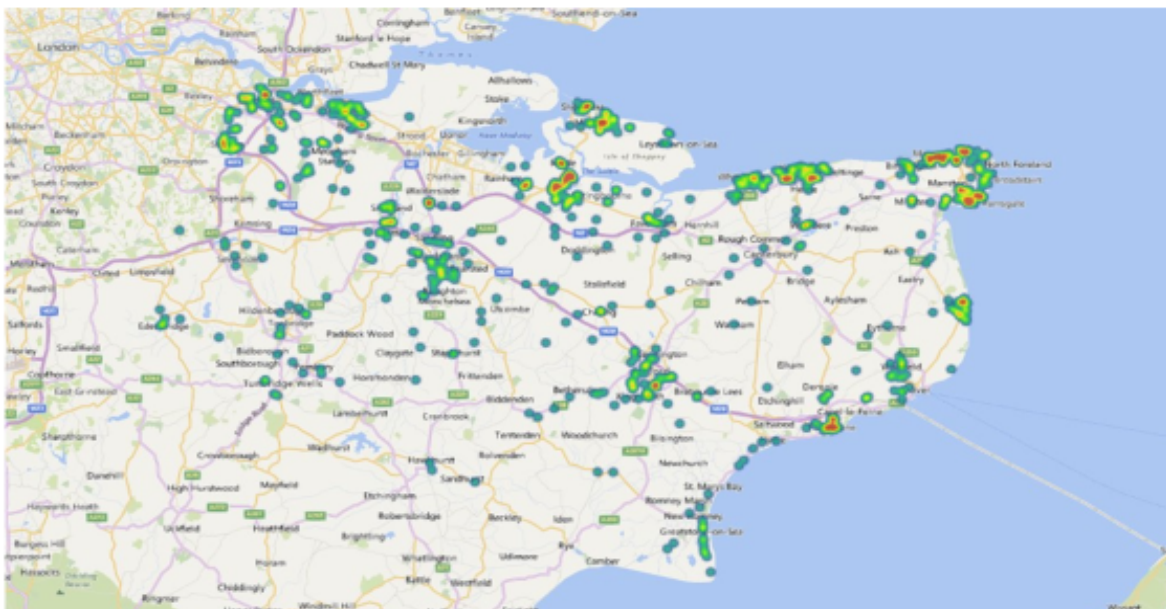
- 9.1 In the last five years, Kent has experienced significant population growth due to economic migration from London and from outside the UK. This has caused a sharp rise in children seeking school places combined with the high numbers of UASC and OLA-LAC placed locally. The impact in pupil population has left many districts with limited school places available and in some areas, schools having to admit above their Published Admission Numbers (PAN) in many year groups.
- 9.2 Concentrations of UASC and OLA-LAC in parts of Kent (usually where there is deprivation and lower cost housing) has resulted in large cohorts of vulnerable children in the same school, making them prime targets for gang 'recruitment'

and Child Sexual Exploitation (CSE). This is one of the primary concerns for Kent and, despite more than 10 years of efforts to encourage better practice from placing Local Authorities, Kent schools' admissions are rarely consulted by the placing authority prior to children moving into the county. Kent has a statutory duty to provide for these children, but, without advance notice of their needs and consideration as to the suitability of available local education provision, the authority is compromised in its ability to ensure suitable education quickly and schools are often expected to go over their PAN, taking particularly vulnerable young people; this can and often does have a significant impact on the school.

- 9.3 Kent Fair Access Officers have evidence of instances where inappropriate and/or unrealistic requests are made from the placing authority, without any planning or transition work to support the integration of the child. For example, another local authority placed a primary school age child in Thanet who had been excluded from mainstream education. There is no Key Stage 2 alternative provision in Thanet. Kent were unable to fulfil the request and arrangements were then made independently by the authority. This was a time-consuming process, as challenge and legal issues had to be addressed. Until resolved, the child remained out of education, causing them more upset and delays. This failure of the host authority to plan a school placement can often result in the placement breaking down, causing further disruption and anxiety to these often very vulnerable young people.

Heat Map of OLA Children Placed in Kent

[As of 28/02/18]



- 9.4 There are a high number of situations where the approach to a mainstream school in Kent is made by the other authority in cases where the child has already been out of school for a considerable period. Reasons include the young

person being in alternative provision, in some instances a secure unit, drug misuse, inappropriate sexualised behaviour, significant mental health issues and pregnancy. Schools understandably consider it not to be appropriate to admit a pupil without work taking place to ensure the child can succeed in the transition and schools can assess and mitigate any risks associated with the school placement.

- 9.5 During the course of the 2017-18 academic year, between September 2017 and January 2018, there were 34 OLAs which requested education in mainstream schools for a total of 85 children. Of these only 10 OLAs initiated education planning for just 13 children before placing them in Kent. This is a failure of their legal obligations and such actions set the children up to fail and cause detriment to the individual learners and the children around them who are themselves often vulnerable and just about managing without being introduced to further disruptive behaviour.
- 9.6 CYPE have recently introduced a new information management software system (Liberi-Synergy link) to assist the local authority in reporting on these sorts of placements more effectively and primarily to ensure key individuals, who may be working with vulnerable learners, can gain a holistic picture of the child's situation to best apply strategies to help them succeed. As officers work through the academic year and continue to import key data for use in Synergy, it will improve caseload management and enable the production of accurate reports for comparative analysis and statutory reporting. Some of the data held on Liberi concerning OLA-LAC is now being downloaded regularly to Synergy via a direct feed. The data from Liberi includes the date OLAs have notified Kent that they have placed a child to reside in Kent and which local authority is placing that child. This will enable reporting on the OLAs that have planned education prior to placing in Kent going forward.

Recommendation(s): The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **DISCUSS** the current situation and priority areas for concern.

10 Contact details

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