

Leaders' Committee

Secure Children's Homes

Item no: 8

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Summary

This report summarises the background to work undertaken by the Association of London Directors of Children's Services and NHS England (London Region) to review the use of secure children's homes for London's children and young people and sets out the proposed way forward for ensuring strengthened arrangements in the future. The report describes related work in progress exploring options for joint arrangements in respect of procuring, commissioning or directly providing placements for London's children with the most complex needs.

Recommendations

Leaders' Committee is asked to endorse the work being undertaken by the London Directors of Children's Services and to comment on the proposals being developed.

Secure Children's Homes

Introduction

1. To address concerns around the availability, distance travelled, outcomes achieved and high costs of secure placements, the Association of London Directors of Children's Services (ALDCS), in partnership with NHS England (London Region), commissioned a regional review of the use of secure children's homes (SCHs) for London's children and young people covering:
 - those placed by a local authority under section 25 of the Children Act 1989 (welfare placements);
 - those sent to a secure children's home on sentence or if they are refused bail and remanded to local authority accommodation with secure conditions (justice placements); and
 - young people held in police custody between being charged and appearing in court because they satisfy the 'serious harm' criterion but no local authority secure accommodation is available.
2. London Councils' Executive received a report on the progress of the review in June 2019. This report sets out the case reported to Executive in 2019, along with an update on progress since then and an outline of the project's next steps.
3. In parallel to this review, the Department for Education (DfE) awarded funding for three feasibility studies into how regions can increase the sufficiency of secure residential places, including one to London Borough of Barking and Dagenham. ALDCS, NHS England (London) and the London Borough of Barking and Dagenham have agreed to collaborate to ensure a coherent approach for London. Any final proposition will be put to individual boroughs for their consideration.

Wider Contextual Considerations

4. Separate and subsequent to the ALDCS led review, an ISOS Partnership report, commissioned by London Councils and reported to Leaders' Committee in October 2019, identified that children's services across

London are facing an unsustainable level of financial risk in relation to commissioning of high cost, low incidence placements, and recommended that there needs to be concerted and collaborative action to ensure that such services are better addressing the needs of children and are delivered in sustainable way.

5. Furthermore, Her Majesty's Chief Inspector's Annual Report to Parliament, presented to the Secretary of State for Education on 21 January 2020, raised concerns about the increasing use of unregulated provision and the reduction in quality of existing SCHs. In February 2020, the Department for Education published a consultation on the use of unregulated provision for children in care and care leavers.
6. Finally, the Scottish independent care review, published in early 2020, highlighted changes required to the Scottish care system for children, which included recommending the need to stop selling care placements to local authorities outside of Scotland with a 10-year timeframe outlined for achieving their aims. This means that by March 2030, the ability to place London children in a Scottish SCH may cease to be possible.

Demand and Needs Analysis

7. As part of the SCH review, a data analysis of placements was undertaken in order to better understand London's needs. The findings showed:
 - High numbers of London requests for secure placements, with an estimated average of 33 CYP accommodated in SCHs at any point of time, approximately two thirds welfare and one third justice placements. For welfare placements the average is 4.2 months and for justice placements it is 2.5 months. However, this can vary significantly, from 28 days to more than a year.
 - Of 121 welfare requests from London across 12 months, less than half resulted in a placement, with many requests withdrawn (e.g. through the Court Order not being granted or missing child). While the options for cases where the request is withdrawn are mixed, they include bespoke wraparound support being put in place with high staff ratios.

- A high degree of variability across London, with two boroughs averaging more than one welfare request a month and up to eight boroughs not making any requests at all during the period of review. There is similarly high variation across justice placements. Data for the period reviewed only covered a 12 month period. However, it is known that in some boroughs where no request was made, placements were requested outside of that 12 month window. In other boroughs, there has been a policy decision not to use secure placements (or to use only as a last resort). Use of secure placements also varies due to other factors, including the quality and availability of local non-secure accommodation, and some boroughs have also built capacity (for example, specialist fostering and community support), which mean there is more capacity to dedicate to working to prevent placements being required.
- An average distance from home of 192 miles for welfare placements, providing geographical barriers to work with families and local services.
- The majority of welfare placements are aged 14-16, of mixed gender and with an overrepresentation from BAME groups. Whilst justice placements have a similar ethnic profile, the majority are male and younger than those placed on welfare grounds.
- Substance misuse, offending and challenging behaviours are prominent complexities displayed. Almost all females have CSE identified, whilst gang affiliation is common amongst males. In some cases, it is acknowledged that a London placement would not be suitable and that it may be more appropriate to place outside of London.

Borough Engagement

8. A Steering Group has overseen the review, made up of joint Senior Responsible Officers from NHS England (London) (Sinéad Dervin, Head of Health and Justice Team) and ALDCS (Martin Pratt, Chair of ALDCS and Executive Director Supporting People, London Borough of Camden).
9. Other members include representatives from:

- London Borough of Barking and Dagenham
- London Borough of Barnet
- London Borough of Bexley
- London Borough of Croydon
- London Borough of Hillingdon
- London Borough of Lambeth
- London Borough of Newham
- London Borough of Sutton
- Department for Education (DfE)
- Mayor's Office for Police and Crime (MOPAC)
- NHS England (National)

10. In addition, a wide range of stakeholders have been engaged in the review, including local authorities, Secure Children's Home managers, practitioners and children and young people with lived experience of Secure Children's Homes in order to better understand existing service offers, care pathways, needs and challenges.

11. Common themes revealed included:

- Planning for both the secure placement itself, as well as discharge can be rushed, which impacts on outcomes and the children and young people's perception of their situation.
- Effective options for transitioning out of SCH are often limited due to low capacity of stepdown provision. The location of such provision is also often remote from the SCH.
- There is a gap in provision for those 'on the edge of secure', where early and intensive intervention could possibly prevent a secure placement being required. For such children and young people it can be difficult to find a placement due to their history – this is a small cohort of children and young people, and more work is needed to identify this demand and develop options to support this cohort. These children were outside the scope of the review.
- Some boroughs have had to resort to bespoke wraparound arrangements with high staff ratios to support children and young

people where no other appropriate provision has been available. It is reported that this can cost between £10,000 and £15,000 per annum.

- Consistent and regular communication between stakeholders and with children and young people is critical for effective planning and continuity of care and interventions following a secure placement. For example, effective communication between social workers, the Youth Offending Team, and others within the local authority area, with the SCH staff is important to ensuring that care plans continue and interventions are maintained when the child returns to the community.
- A high proportion of children and young people placed in SCHs either have an Education and Health Care Plan, or require one. A large proportion of those placed have lost engagement with education from an early age.
- There is growing evidence that secure provision and the services provided are currently insufficient to support improved outcomes. Emerging models need to look more closely at the whole pathway.

Options Appraisal

12. The analysis and engagement provided evidence of a need for London to find a better approach to supporting some of the capital's most vulnerable children and young people. As part of the approach the review developed a set of options and a methodology and criteria for assessing those options. The options included elements of secure and non-secure provision to support the identified need:

- Small (8-12 place), large (20-24 place) or two small SCHs in, or close to, London.
- Addition of a step-down facility for children and young people transitioning from a secure placement.
- Addition of a specialised open facility for children and young people stepping down and those in care that need targeted support to prevent a secure placement.

13. The options were evaluated against the assessment criteria (see appendix 1), which looked at supporting outcomes across the whole pathway from

prevention and accessibility of secure placements to continuity of care and supporting transitions into the community. Based upon the options appraisal and views received, the Steering Group has recommended that London:

- Commissions the design and build of two 12 bedded secure children's homes within, or close to, London in separate geographical locations to be allocated for welfare placements.
- Designs each secure children's home to allow for an additional 6 beds each to be added to accommodate justice placements, subject to gaining in principle agreement from Ministry of Justice.
- Additionally commissions two step-down units of 6 places, each linked to each SCH, to support children and young people transitioning out of secure accommodation.
- Undertakes further work to scope the requirements for provision to support the 'edge of secure' cohort and determine the number of beds required.

Commissioning Arrangements

14. In order to support the chosen option, the following principles have been proposed by the Steering Group:

- A partnership of London boroughs should be established via a separate pan-London legal entity, to remove risk from a single borough and facilitate a collaborative approach across London.
- A new entity should act as the purchaser and commission a provider to deliver the service.
- Specification based on best practice to be co-designed with an expert reference group.
- A contract model should be developed to share the risk between boroughs and the provider and incentivise quality of care and education.

15. Following legal advice, the project Steering Group has recommended that a company limited by guarantee, open to all the London boroughs, should

be established as the Pan-London Vehicle (PLV), with other relevant public bodies as stakeholders e.g. NHSE/I, MOPAC.

Wider Placements Pressures in London

16. The need to consider a pan-London vehicle for addressing the difficulties experienced by boroughs trying to place children in Secure Children's Homes reflects just one area where children's outcomes and boroughs' financial efficiency might be improved by new ways of collaboration. As a result, the work on SCHs is being considered alongside other areas where collaboration, including through a pan-London vehicle, offers London a chance to make improvements in outcomes and better use of public finances. Leaders' Committee is asked to comment on this work advising on how it progresses.
17. Longer term, findings from research by ISOS, commissioned by London Councils and published in 2019, highlighted a pressing need to improve the commissioning of high cost, low incidence placements. Action in this area was discussed and agreed by Leaders' Committee in October 2019. Work to establish a PLV focused on commissioning SCH might, over time, be part of the solution to delivering improved outcomes and more efficiency in relation to the placement of children with high cost, low incidence needs.
18. Although the most developed proposals relate to secure provision, London Directors are also exploring other proposals which might improve the supply of other provision for London's children with the most complex needs.
19. Directors of Children's Services are in discussion with the Youth Justice Board with regard to resettlement and alternatives to youth custody, and are seeking to secure support for a new model of provision to be made available at the end of 2020/21, subject to funding. The proposal under consideration would be designed to offer provision as an alternative to custody through a psychologically informed approach. The approach is aimed at reducing the number of London children in custody by 20,

through meeting their needs in alternative provision in four sites across London. This would be developed on a phased basis, with the North London sub region proposed as the first phase.

20. The resettlement and alternative to youth custody proposal could have a financial benefit to the public purse from the lower cost of a placement in the alternative provision when compared to the cost of a Young Offender Institution placement and the high cost of resettlement provision post-custody. The emerging model offers provision at less than the cost of a Young Offender Institution and, potentially, with significantly better outcomes for children and the communities they live in in terms of reduced reoffending. However, whilst the financial benefits of alternatives to remand and post-custody resettlement would accrue to local authorities, the financial benefits of reduced custodial sentences would accrue to central government. This could increase short term costs for local authorities, but with medium to long term benefits both financially and in improved outcomes for children.

21. In addition to the work described in relation to alternatives to youth custody, London Directors of Children's Services are also in the early stages of developing thinking in relation to possible improvements in placement outcomes and financial efficiency for -

- Complex adolescents – To reduce the shortfall in provision in London for complex adolescents.
- Children with Autistic Spectrum Disorder/Social, Emotional and Mental Health needs (ASD/SEMH) –
 - To reduce the shortfall in provision for children with ASD/SEMH.
 - To improve outcomes for children with ASD/SEMH.
 - To reduce the number of children requiring residential placements and intensive support packages.
 - To reduce the number of emergency placements
 - To reduce the demand and usage of Tier 4 inpatient mental health beds in London.

- Mother and baby residential – To reduce the shortfall in provision for court ordered mother and baby residential assessments.
22. The potential benefits of these other forms of pan-London collaboration are at an earlier stage of development when compared to the work on Secure Children's Homes. Nonetheless, the evidence so far suggests the possibility of improvements in both quality and cost effectiveness from further exploring these options. Leaders Committee is asked to give a steer on this work.

Next Steps

23. An outline business case for the core work on secure accommodation was submitted to DfE at the end of March. In July 2019, the DfE confirmed London's submission had been successful, confirming that the DfE commitment to work with London to provide financial support in setting up new provision in the Capital
24. A business plan has been prepared outlining how the PLV will be governed, funded and operate. It includes the PLV's remit with respect to the construction of the SCHs and the subsequent service provision, including SCH placement fee options and financial implications.
25. With the commitment of DfE to fund the provision of SCHs, establishing a PLV to commission provision represents an important opportunity for London to invest an estimated £50 to 70million in its most vulnerable children. However, while the investment of the DfE is critical, there will be costs to boroughs in establishing and maintaining a new PLV; the case for making an upfront financial commitment is based on the future potential for London boroughs to save money, deliver an improved offer to this group of highly vulnerable children and improve outcomes.
26. In order to establish the required PLV, the following steps will need to be undertaken:
- The development of a borough-led model of delivering the PLV;

- London boroughs will be invited to become members, with each borough taking the proposition through their councils' internal governance and decision-making processes to become co-owners of the PLV;
- Establishing the PLV, including recruitment (via secondment); and
- Identifying possible sites for the new SCHs.

Recommendations

Leaders' Committee is asked to endorse the work being undertaken by the London Directors of Children's Services and to comment on the proposals being developed.

Financial Implications for London Councils

There are no financial implications for London Councils resulting from this report. Any financial implications for boroughs would need to be set out in additional reports further consideration by individual boroughs.

Legal Implications for London Councils

There are no legal implications for London Councils resulting from this report.

Equalities implications for London Councils

There are no equalities implications for London Councils.

Evaluation Criteria

Early intervention/ prevention – The impact that the option will have on preventing the need for a secure placement, reducing demand and repeat referrals through early intervention and support

Accessibility of a secure placement – The impact that the option will have on improving accessibility to secure welfare provision for London's CYP in relation to capacity, distance and matching (e.g. for CYP with gang affiliation). There are an average of 18 open referrals not being placed due to a national shortage of capacity and 21 welfare placements from London

Continuity of care and relationships – The impact that the option will have on enabling better continuity of care for CYP placed within a secure placement. This will be positively impacted by placements closer to home. The current average distance from home is 192 miles

Care and education in the placement – The impact that the option will have on the level of care, education and wider support that is provided to CYP whilst they are placed within a secure children's home, such that they can feel safe and develop positive behaviours

Transition from secure to community – The impact that the option will have on supporting transitions from a secure placement and enabling positive resettlement back into the community

Value for money – The total cost for London under each option (taking into account that depending on the option some CYP may still need to be placed under current provision) and value for money implications of each option, particularly around better use of resources to deliver an improved or equivalent level of care.

Initial investment – Many of the options presented will require an initial one-off investment of funds from commissioners, including local government, central government and/or the NHS

Deliverability – The deliverability of each option in terms of availability of land and resources, timelines, commissioning arrangements, governance required and long-term sustainability