

15 January 2019		ITEM: 8
Corporate Parenting Committee		
Report on Unregistered/Private HMO's for Young People in Thurrock		
Wards and communities affected: All	Key Decision: N/A	
Report of: Janet Simon, Strategic Lead of Children Looked After		
Accountable Assistant Director: Sheila Murphy, Assistant Director of Children and Families		
Accountable Director: Rory Patterson, Corporate Director of Children's Services		
This report is Public		

Executive Summary

This report updates members of the Committee on unregulated placements for children looked after by Thurrock.

1. Recommendation(s)

1.1 That the members of the Committee review the efforts made by officers to choose appropriate supported accommodation for looked after young people over the aged of 16.

2. Introduction and Background

2.1 This report provides an overview of the remit of supported accommodation; the local authorities activities to ensure they are meeting the needs of young people and how they are monitored.

2.2 16 + Supported accommodation provision.

2.3 A provider who offers services defined as "support and accommodation" for young people over the age of 16 is not required to be registered, and therefore is not under the monitoring remit of Ofsted.

2.4 Ofsted state that ***"If the provision provides care and accommodation then they should be registered, however, the level of care provided is not specified in the Care Standards Act and clearly some young people as they move into independent living require some level of support in order to make the transition"***.

- 2.5 With regards to the level of support, Ofsted state; ***“This level of care usually reduces over time and does not include the provision of meals, medication, personal care etc. The young people are free to come and go as they wish. Staff may be present for parts of the day and even overnight for security reasons but are not providing direct care. These are unregulated settings and can operate without registration”.***
- 2.6 Thurrock’s expectations of current 16+ supported accommodation providers.
- Appropriate qualifications of both manager and staff team
 - Appropriate room size with furniture fit for purpose
 - Annual monitoring visits, but more visits undertaken if concerns are raised
 - 10 hours of key work sessions per week to assist in independent living & life skills
 - Staffed 24/7
 - Weekly & monthly reports
 - Assist with budgeting
 - Assist with support in education and employment
 - Attend all meetings and offer support
 - Attend court where necessary to offer support
 - Work with partner agencies
 - Signed up to Thurrock’s Supported Accommodation contract
- 2.7 How Supported accommodation is commissioned, checked and monitored.
- 2.8 Currently, placements are commissioned with our preferred providers on a spot purchase basis. The department has recently completed a tender exercise to establish a “select list”, with the opportunity for new providers to join on an annual basis. Prior to approval, all providers undergo quality assurance checks and will be subject to monitoring including;
- DBS checks
 - Safer recruitment
 - H&S
 - Insurance
 - Financial checks
 - Policies and procedures.
 - Annual monitoring and full house visit; where additional concerns have been raised.
 - Visits (both announced and unannounced) and meetings with commissioning and the placements service.
- 2.9 The tender, specifications have been amended , recently to reflect the recent Ofsted guidance on Supported Accommodation. These are summarised in paragraph 2.16. Providers are required to pass a strict tender process, which is robust about the local authority’s expectations.

- 2.10 Children Looked After are visited by social workers in line with their statutory duties and if social workers become aware of concerns about the suitability or standard of the provision, they are, responsible for raising these with their line manager and the Commissioning Team. The local authority has been working closely with Essex Police to ensure that all supported accommodation providers sign up to the SET's (Southend, Essex and Thurrock's) missing MOU (Memorandum of Understanding). This will be sent to providers in December 2018.
- 2.11 16+ Supported Accommodation provision In Thurrock.
- 2.12 There is a legal duty on both the council and providers commissioned on its behalf to safeguard young people, and when the council do not have sufficient confidence in the process, the contract can be terminated.
- 2.13 Thurrock are currently aware of two private providers who operate supported accommodation within Thurrock. Capacity remains an issue and it is hoped the current tender exercise will result in additional providers. Where local places are not available the team aim to find the closest match to the young person's needs.
- 2.14 Young People in Supported accommodation
- 2.15 The numbers of looked after children in Thurrock excluding UASC currently placed in Supported Accommodation at the end of November was 13. The number of UASC in Supported Accommodation was 17.
- 2.16 This is a snapshot within the month, as the numbers will fluctuate as children/young people enter and cease being looked after for various reasons throughout each month. There is a higher fluctuation for UASC, which is a reflection of the number of arrivals and the aim to transfer young people within 10 days of referral to other authorities within the Eastern Region.
- 2.17 Young people looked after by Thurrock are placed in 16+ accommodation in the following areas
- Croydon (UASC who presented in Croydon after a missing episode)
 - Newham
 - Redbridge
 - Thurrock
 - Waltham Forest
 - Enfield
 - Havering
 - Norfolk
 - Shrewsbury (1 young person who had links in the area)
- 2.18 Cost and Spend of Supported accommodation

2.19 The cost of supported accommodation placements ranges from £306 per week to £2900 per week, which is dependent on, need and support.

	General LAC population placements	UASC LAC placements
Year to date spend @ Period 7	£463,490	£349,504
Grant Income		£271,044**
Range of costs	£306 to £2900 per week	£600 to £1050 per week

2.20 In July 2018 Ofsted updated their expectations in relation to this matter and clarified what constitutes supported accommodation as shown in Table A below;

Table A:

Criteria	Yes?	No?
Can the young people go out of the establishment without staff permission?	Supported accommodation	Care
Do young people have full control of their own finances?	Supported accommodation	Care
Do young people have full control over what they wear and of the resources to buy clothes?	Supported accommodation	Care
Are young people in charge of meeting all their health needs, including such things as arranging GP or specialist health care appointments? Are young people in full control of their medication?	Supported accommodation (Young people may ask for advice and help on their health, but if decisions rest with the young person, the establishment is not providing care.)	Care
Do staff have any access to any medical records?	Care	Supported accommodation
Can young people choose to stay away over night?	Supported accommodation (Being expected to tell someone if they are going to be away overnight does not indicate providing care, but needing to ask someone's permission does.)	Care
Is there a sanctions policy that goes beyond house rules and legal sanctions that would be imposed on any adult?	Care	Supported accommodation

If the establishment accommodates both adults and young people, do those under 18 have any different supervision, support, facilities or restrictions.	Care	Supported accommodation
Are there regularly significant periods of time when young people are on the premises with no direct staff supervision?	Supported accommodation	Care
Do staff have any responsibility for aftercare once a young person has left?	Care (Some supported accommodation services will offer some support to help young people get established in their next accommodation is not care.)	Supported accommodation
Does the establishment's literature promise the provision of care or relate to specific care support provided to all residents?	Care	Supported accommodation
Does the establishment provide or commission a specialist support service, which forms part of the main function of the establishment?	Care	Supported accommodation

3. Issues, Options and Analysis of Options

3.1 16+ Supported Accommodation and Houses of Multiple Occupancy (HMO)

- There is no Ofsted registration requirement for 16+ Supported accommodation and there is no responsibility on providers to notify the Local Authority/Borough of their intentions to set up Supported Accommodation, as Ofsted does not register them. We do, however, encourage this and would not place with a provider who had not registered with the Council.
- Providers that also meet the requirements to be registered as a HMO do have to notify the Council.
- Local Authorities routinely notify each other when a placement is made in another area.
- No minimum room sizes
- No registered manager/or recognised qualifications
- No staff ratio to young people
- No regulatory monitoring by Ofsted

- 3.2 Nationally if five non-related people reside within a property it should be registered as HMO.
- 3.3 Thurrock has been rolling out since October 2018 across the borough a requirement that three unrelated people residing in a property will require the provider to register the property as an HMO. This is so far in place in the following areas:
- Aveley and Uplands,
 - Belhus,
 - Chadwell St Mary,
 - Grays Thurrock,
 - Grays Riverside,
 - Little Thurrock Blackshots,
 - Ockendon,
 - Stifford Clays,
 - Tilbury Riverside and Thurrock Park,
 - Tilbury St Chads,
 - West Thurrock and South Stifford.
- 3.4 Children's Homes
- Have to advise the Local Authority/Borough of their intentions
 - Change of use may be required (i.e. family home to a business) and notification to LA's housing department.
 - Home registered with Ofsted
 - Ofsted to inspect proposed residential home to confirm (ascertain) accommodation meets minimum requirements.
 - Residential home must have a registered manager in place for the home to operate. This requires Ofsted approval after interview & verification of relevant qualifications.
 - Staff to be qualified to the required standards as per the NMS
 - Appropriate staff ratio to young people
 - Reg 44 visits undertaken monthly (internal independent monitoring visits)
 - Ofsted inspections, both announced & unannounced
 - More rigorous insurance required
 - Pay business rates as opposed to council Tax
- 3.5 We continue to focus on finding the right placement type for young people according to their needs. Where possible and appropriate young people will remain in foster care as the first option or within regulated placements.
- 3.6 Placements are monitored through the various multi-disciplinary panels, such as the Placement and Accommodation Panel, which is chaired by the Strategic Lead for Children Looked After, and High Cost Placements are monitored through reporting to the Corporate Director of Children's Services.

3.7 The Department is aware of the budgetary situation within the Council and work hard to provide placements that are fit for purpose and are cost effective. The Corporate Director and other senior managers are working closely with the Finance Department; ensuring placements are of good quality, that we get the best value from each placement and that we plan the transition of our young people when appropriate to accommodation that is suitable for their needs and age.

4. Reasons for Recommendation

4.1 Members of the Committee to be informed on the issues in relation to supported accommodation. Officers accept there is a very real challenge in balancing the need to find the best possible placement option for young people to meet their needs and prepare them for independence, whilst simultaneously working within the financial resources available.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 None

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Michelle Hall**
Management Accountant

There are financial implications associated with 16+ supported accommodation and the numbers of young people in this type of provision fluctuates. However, finance is working closely with the service to analyse placements costing and review.

The cost of supported accommodation placements ranges from £350 per week to £2900 per week, which is dependent on, need and support.

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7.2 Legal

Implications verified by: **Lindsey Marks**
Deputy Head of Legal, Social Care and Education

The Local Authority is expected to provide support to young people who are Entitled to support to prepare them to leave care, but who remain looked after ("eligible children"), and to young people who have ceased to be looked after ("relevant" and "former relevant" children). The requirements of the Care Planning, Placement and Case Review Regulations (in respect of Eligible young people) and the Care Leavers (England) Regulations 2010 (in respect of Relevant, Former Relevant, and Qualifying young people) mean that the Local Authority needs to ensure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make their transition to adulthood.

In determining the suitability of accommodation for Relevant Young People (under Schedule 2 to the Care Leavers Regulations 2010 and Schedule 6 of the Care Planning, Placement and Case Review Regulations 2010) regard should be had to:

1. In respect of the accommodation:
 - a. The facilities and services provided;
 - b. The state of repair;
 - c. The safety;
 - d. The location;
 - e. The support;
 - f. The tenancy status; and
 - g. The financial commitments involved for the relevant young person and their affordability.

2. In respect of the Relevant young person:
 - a. His or her views about the accommodation;
 - b. His or her understanding of their rights and responsibilities in relation to the accommodation; and
 - c. His or her understanding of funding arrangements.

7.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

No diversity and equality implications within this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

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Strategic Lead – Children Looked After