

# CHESHIRE EAST COUNCIL

## Cabinet

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<b>Date of Meeting:</b>	30 <sup>th</sup> June 2015
<b>Report of:</b>	Nigel Moorhouse – Interim Director of Children’s Services
<b>Subject/Title:</b>	Notice of Motion – Ofsted
<b>Portfolio Holder:</b>	Cllr Rachel Bailey, Children and Families

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### 1.0 Report Summary

- 1.1 The purpose of this report is to consider and respond to the following motion which had been moved by Councillor Flude and seconded by Councillor Faseyi at the Council meeting on 26 February 2015 and referred to Cabinet for consideration:

*“This Council calls on the Secretary State for Education to mandate Ofsted that it will inform this and other Boroughs Nationally when private, not for profit or charitable residential homes for children and young people are opened in a Borough, thus informing that Borough that there are Children or Young people residing in that Borough who were not residents of that Borough before their placement”.*

### 2.0 Recommendation

- 2.1 That for the reasons set out in this report, Cabinet reject the motion referred to in paragraph 1.1, whilst recognising that the placement of children across local authority boundaries has been of concern regionally and nationally. The Council has been highly successful in the last three years in reducing children placed in external residential care by 33%.

### 3.0 Reasons for Recommendation

- 3.1 Local authorities have a common interest in supporting high standards of corporate parenting for all cared for children. Morally we all have a shared responsibility to care for and meet the needs of vulnerable children who are (through no fault of their own) unable to remain safe at home
- 3.2 Each local authority has a Sufficiency Duty to secure sufficient accommodation to meet the needs of their cared for children (the “sufficiency duty”) in accordance with Section 22G of the Children Act 1989. This duty acts to ensure that local authorities avoid wherever possible placing children at distance, which can heighten safeguarding risks. There are some children however for whom this is in their best interests. This is also true for some Cheshire East children

3.3 There are in place four stages of awareness in respect of the initial establishment of a Children's Home and subsequent engagement / notification:

#### 3.4 Notification of children

Amendments to the Care Planning, Placement and Case Review (England) Regulations 2010 (the "Care Planning Regulations") came into force on 27 January 2014. These create new requirements for local authorities making distant placements to consult with Children's Services in the area of placement, and for the Director of Children's Services (DCS) of the responsible authority to approve these placements.

3.5 Each Director of Children's Services has responsibilities in respect of placing children in care at a distance. The current national arrangements are that every Local authority who does place a child in another Local Authority is required to inform them. Cheshire East maintain a list as children move in and out of our Local Authority. The Director of Children's Services has responsibility for ensuring that any child they place out of their area is in a placement that will meet their needs. The requirement for local authorities to consult with children's services in the area of placement ("the area authority") will assist the responsible authority in deciding whether a placement is appropriate and provides the child with the necessary support from local services, including from education and health services.

3.6 In Cheshire East we work closely with partner agencies, and where we identify a child/young person is inappropriately placed in a provision in Cheshire East we address this directly with the relevant local authority and Children's Home to ensure they are safe and their needs met.

#### 3.7 Planning considerations

Our current understanding of planning permission (permitted developments, homes with multiple occupancy of under 6 etc) suggests that reliance on that route for notification of a new home within our boundary is not 100% secure. Homes of less than 6 beds do not, we believe, require planning permission. There has been regional discussion on the complexity of planning permissions for children's homes as this is a more acute issue in other local authorities. The motion would not impact on this. Notification from Ofsted would not prevent the establishment of a Children's home.

#### 3.8 Ofsted registration and regulation

Ofsted currently send a monthly list of all registered Children's Homes in England to the local authority. The list is in local authority order and also provides the latest inspection rating. The 2014 amendments to the

Children's Homes Regulations 2001 require that as part of applying for registration potential providers of new homes describe the steps taken to ensure that the premises used for the purposes of the home are appropriately and suitably located. The aim is to ensure the strengthening of safeguards for children. Guidance to Children's Home providers places emphasis on the requirement to consult with services that have a statutory responsibility for the safeguarding of children in their area.

- 3.9 Children's Home providers based in Cheshire East are requested to notify the local authority when a child from out of borough is placed. This acts to support the required notification from the placing authority. The Local Authority tracks any child in Cheshire East who goes missing or is at risk of CSE where we are informed. The cared for Nurse liaises directly with the homes in respect of the children placed with them and all schools have a designated teacher with responsibility for Cared for children. This ongoing engagement ensures that the critical elements of safeguarding children and young people are prioritised by Children's Homes and supporting agencies.
- 3.10 Cheshire East has a relatively low number of Children's Homes within its boundaries that are operated by private, not for profit or charitable organisations compared to other North West local authorities.
- 3.11 The overall number of cared for children from other local authorities (43 in total) placed in a variety of settings within Cheshire East is 154. Most of these are children are fostered within families.

#### **4.0 Wards Affected**

- 4.1 Potentially all wards

#### **5.0 Local Ward Members**

- 5.1 As above.

#### **6.0 Policy Implications**

- 6.1 This would not impact on the current policy, however a pathway for receiving and making use of Ofsted notifications would need to be established within the Local Authority. This would be most appropriately through the existing mechanisms.

#### **7.0 Implications for Rural Communities**

- 7.1 N/A

#### **8.0 Financial Implications**

- 8.1 N/A – the Local authority would seek to use existing pathways for notifications from Ofsted

## **9.0 Legal Implications**

9.1 None

## **10.0 Risk Management**

10.1 The identification, engagement and monitoring processes already in place for Children's homes are described above. This work is established to reduce risk for the children placed from outside the Authority and the quality of care afforded them.

## **11.0 Conclusions**

11.1 A significant amount of consultation, notification and engagement is undertaken between the Local Authority, Ofsted and Children's Homes and partner agencies. Ofsted already notify each Local Authority on a monthly basis of all Children's Homes registered in their area and the relevant inspection rating.

11.2 The new regulatory requirement during 2014 for potential new providers and existing Children's Homes to consult and prepare a locality impact assessment provides an important tool to raise awareness and influence decisions to establish a new Children's Home. The planning process for approval is complex.

11.3 Cheshire East has a low number of Children's Homes within its boundaries that are operated by private, not for profit or charitable organisations compared to other North West local authorities.

11.4 As corporate parents we have a duty of care to all cared for children and the intelligence and co-operation we receive from a variety of agencies / providers is helping us to improve their safety and life time aspirations.

## **12.0 Background and Options**

12.1 This report addresses the issues raised by the motion referred to in paragraph 1.1.

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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