



**Children & Families Overview and  
Scrutiny Committee**  
9<sup>th</sup> November 2006

**Report from the Director of Children  
and Families**

For Information

Wards Affected:  
ALL

**Report Title: Looked after Children in Brent**

**Summary**

This report sets out the key issues in regards to Looked after Children in Brent.

**1. Definition of looked after children**

- 1.1 The Children Act 1989 introduced the concept of a “Looked after child”, which replaced the concept of being “in care” enshrined in earlier legislation. The act determined two routes by which children and young people become looked after – they become subject to a care order made by a court or are “accommodated” by the local authority. For a care order to be made the local authority has to prove that the child is suffering or is likely to suffer significant harm and that the harm is attributable to the care given to the child by a parent, or that the child or young person is beyond parental control. When a care order is granted the local authority acquires parental responsibility for the child or young person.
- 1.2 The local authority has a duty to accommodate a child or young person if there is no person who has parental responsibility, he or she is lost or has been abandoned or when the parent or carer is prevented from providing suitable accommodation or care. If a parent requests that a child or young person is accommodated by the local authority they retain parental responsibility and can remove them from accommodation at any time.

1.3 At the end of September 2006 there were 402 children looked after by Brent. Of these 210 were the subject of care orders, 187 were accommodated, 4 had been remanded by a court into local authority accommodation and 1 had been freed for adoption.

1.4 The Council acts as “Corporate Parent” to children who are looked after by the local authority. The term was first used in a letter from Frank Dobson to all Councillors in September 1998 when the Government introduced its Quality Protects programme. The Quality Protects programme was a response to the Children’s Safeguarding review of 1998 and the concerns it raised about poor outcomes for looked after children. It put a new emphasis on the corporate responsibility of every local authority to work across departments and with partner agencies to provide properly coordinated services for looked after children.

**2. The profile of Children Looked After by Brent Council.**

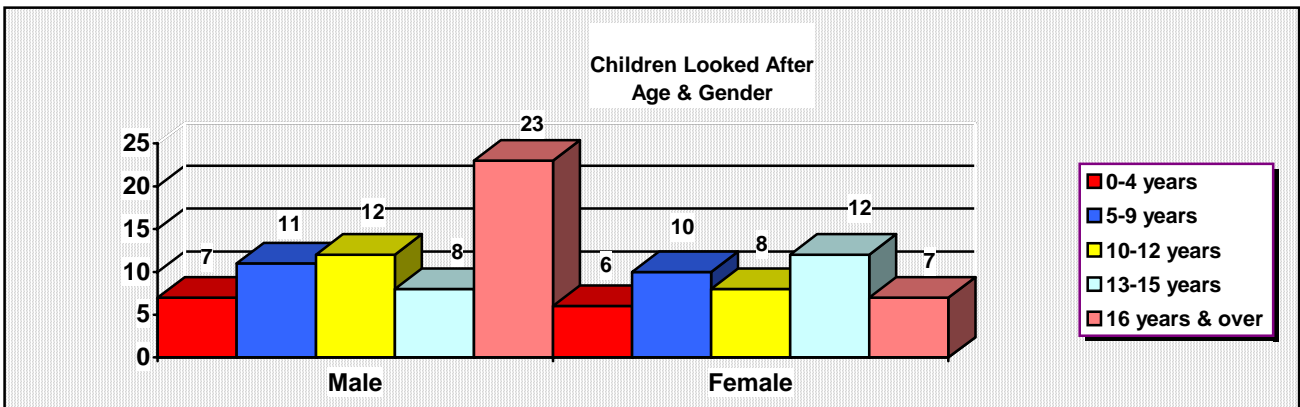


Table 1 above displays the age and gender of the 402 children looked after at 30/9/06

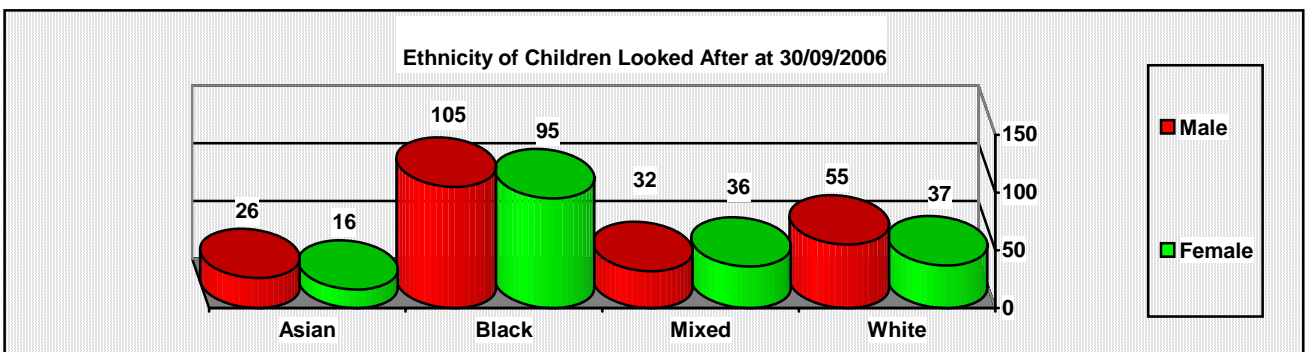


Table 2 above displays the ethnicity and gender of children looked after at 30/9/06

	<b>April 06</b>	<b>May 06</b>	<b>June 06</b>	<b>July 06</b>	<b>Aug 06</b>	<b>Sept 06</b>	<b>Oct 06</b>	<b>Nov 06</b>	<b>Dec 06</b>	<b>Jan 07</b>	<b>Feb 07</b>	<b>Mar 07</b>
<b>0-4 years</b>	55	62	64	65	63	64						
<b>5-9 years</b>	80	88	89	86	82	75						
<b>10-12 years</b>	54	54	53	52	53	57						
<b>13-15 years</b>	98	110	113	107	108	107						
<b>16 ys &amp; over</b>	110	107	108	106	102	99						
<b>TOTAL</b>	<b>397</b>	<b>421</b>	<b>427</b>	<b>416</b>	<b>408</b>	<b>402</b>						

Table 3 above displays the numbers of children and young people looked after by age for the period of 1<sup>st</sup> April 2006 to 30/9/06

2.1 Children become looked after for many reasons and although the reasons for each child are different they can be described under the DfES category of need codes.

Abuse or neglect

2.2 Almost all children who become subject to care orders are children who have been physically, sexually or emotionally abused by their parents or / and have been severely neglected. In Brent, the number of children who are removed as a result of neglect has increased and in over 60% of existing care proceedings this was the primary reason. In half the families drug and or alcohol abuse was a primary cause of neglect. In the majority of cases the children are known to the Social Care Division before they become looked after and are likely to have been on the child protection register. Sometimes the first known incident of abuse is of such a serious nature that children are removed immediately and the risks are too high for rehabilitation home to parents to be attempted.

2.3 Although children and young people of all ages are removed from their families because they are at risk of or have suffered significant harm, 80% of care proceedings in the past 18 months have been initiated on children under 10 years old. At the end of September 210 children were the subjects of full or interim care orders.

2.4 The Local Authority provides evidence to the court that the “threshold” for proceedings has been met. An interim care order is granted initially and if the local authority proves its case a care order or supervision order will be granted following a full hearing. A care order gives the local authority the responsibility to plan for and care for the child and a care plan for the child is submitted for the courts approval. This details the local authority plan for caring for the child in the long term and when appropriate will include proposals on options for finding a permanent alternative family for the child. A supervision order means that the child will be placed at home with parents under the close supervision of the local authority. Every child is appointed an independent “Children’s Guardian”, whose role is to represent the child and

act in their interest for the duration of the proceedings. The child's parents are independently represented.

#### Parental illness or disability

- 2.5 A number of children of all ages become accommodated at their parents request because the parent(s) are physically or mentally ill or disabled and unable to care for them in the short or long term. The fact that a parent has an illness or disability is never of itself a reason to accommodate a child or to consider care proceedings and services will be provided to enable the parent(s) to continue to care for the child or young person. Care proceedings will be instigated only if there are additional factors that result in a child being at risk of significant harm.

#### Family in acute stress / family dysfunction

- 2.6 The majority of children who become looked after under these two categories do so from twelve onwards and although the circumstances are different for each family and young person, he or she usually becomes accommodated at the point when a parent or parents are no longer able to manage their behaviour. The young person's behaviour may be putting them at risk – e.g. they may be at risk of sexual exploitation, may be abusing drugs or alcohol or engaged in criminal activity - or their behaviour may be aggressive or violent to the point where they are putting parents and siblings at risk.
- 2.7 Care Orders are not generally sought on young people in these categories as the parent usually requests that the young person is accommodated. Outcomes for young people accommodated from 12 years onwards are often not good and accommodation is viewed as a last resort.
- 2.8 The behaviour of some young people is so out of control that they require placement in secure accommodation – this can only be agreed by a Local Authority for 72 hours and beyond this a Secure Order from a court is required. Secure accommodation is a placement of last resort because of the restrictions placed on a young persons liberty and because of the cost.

#### Socially unacceptable behaviour.

- 2.9 Young people in this category will have been remanded to local authority accommodation by the court or their offending behaviour may be the primary reason why accommodation has been requested or they are placed in secure accommodation. Many young people who are accommodated because their behaviour is socially unacceptable will have lived in dysfunctional families and may have experienced abuse or neglect.

#### Child's Disability

- 2.10 The department provides support to parents of disabled children to care for them at home and there a range of respite and preventative services

available. However, some children suffer from such severe disabilities that it is not possible to offer sufficient support to the parents, or their educational needs cannot be met in borough, or and they are living in families that are dysfunctional or neglectful. Older disabled children are more likely to become looked after than younger children, particularly where the young person's behaviour is challenging.

### Absent parenting

- 2.11 This category includes Unaccompanied Asylum Seeking Children and young people who arrive in the United Kingdom without an adult who has parental responsibility. The young people are seldom below twelve years old and recently there has been an increase in the numbers who are 16 plus. Brent, like many local authorities initially took the view that it would not accommodate Unaccompanied Asylum Seeking Children but would support them under section 17 of the Children Act. This meant that they did not acquire the rights of care leavers (see below). However, the "Hillingdon Judgement" in 2003 ruled that because there is no one with parental responsibility for these young people local authorities have a duty under the 1989 Children Act to accommodate them.
- 2.12 Children who have been left "home alone" or abandoned also fall into the absent parenting category.

### Care Leavers

- 2.13 The Children (Leaving Care) Act 2000 placed additional responsibilities on local authorities to improve the life chances of young people living in and leaving local authority care. These include a duty to ensure that young people leaving care have access to a range of accommodation options and the support and skills to maintain themselves in their accommodation. These duties are laid on local authorities as corporate bodies. In addition the local authority has a duty to maintain contact with care leavers every six weeks between the ages of 18 and 21, to provide a personal advisor and to assist with the costs of education, employment and training. The same duties extend to age 24 if the young person continues in education or training. The Local Authority currently has responsibility for 199 care leavers including 85 who arrived as unaccompanied minors. This is in addition to the 402 children and young people who are looked after.

## **3. How looked after children are cared for**

- 3.1 There a range of statutory duties applicable to children who are looked after, including regular visits, reviews and health assessments. It is a requirement that looked after children and young people are allocated a qualified social worker who is responsible for ensuring they are in a safe placement that meets their needs, that they have a care plan and a personal education plan. The purpose of statutory reviews is to ensure that planning for children meets

their needs and that care plans are implemented. Reviewing Officers are required to be independent. Children are looked after in a variety of “placements” which can be divided broadly into eight categories.

### Placed with parents

- 3.2 Children and young people can be placed at home with parents whilst rehabilitation is still the plan for the child but there are risks that require the local authority to monitor the home situation closely.

### Kinship Care Placements

- 3.3 If a child cannot return home because they have suffered significant harm then a plan will be made to achieve an alternative permanent family for that child. The first option for the local authority when there is a Care Order is to place the child within its extended family, e.g. with a grandparent or aunt or uncle. The relative will undergo a full assessment and be approved by the local authority’s Adoption and Permanency Panel and will be supported in the same way as any other approved foster carer, including financial support. Residence Orders or Special Guardianship orders are also options available to family members.

### Adoption

- 3.4 Adoption is usually the permanency option of choice for a child under ten who cannot return to their parents care. Adopters can be relatives of the child. Adopters are carefully selected and rigorously assessed and are carefully matched to a child. A child’s racial and cultural heritage is taken fully into account. Contact of some sort is almost always maintained with the natural parent although for younger children placed with extra familial adopters this is unlikely to be face to face contact. A very small number of children, usually babies, are relinquished for adoption by their parents.
- 3.5 An adoption allowance is payable if this is recommended by the Adoption and Permanency Panel and post adoption support is offered by the placing authority for a period of 3 years.

### Foster Care

- 3.6 Foster carers are recruited by the local authority and assessed, trained, supported and paid a fostering allowance by the local authority fostering service, or they are recruited by independent fostering agencies (IFAs) who are responsible for recruitment and assessment, training, support and paying the allowance. Sometime approved foster carers choose to move from one agency to another. IFAs are attractive to foster carers because they pay a higher allowance and often are able to offer more support than the local authority. Brent places children with Brent foster carers whenever possible but it is increasingly difficult to attract foster carers given the competition from independent providers and other boroughs.

- 3.7 Foster placements are short or long term. Long term placements are used as permanent placements for children for whom adoption or placement in the family of origin has not proved possible, sometimes for sibling groups or for children who are older and have strong attachments to their natural families.
- 3.8 Young people who reach 18 years can continue to live with foster carers but the nature of the placement changes. Brent has a scheme for care leavers called the “My Place Scheme” which enables young people to remain with their foster carers until they become fully independent, by paying the foster carer an allowance.

### Residential schools

- 3.9 A residential school may be the most appropriate option for children who have special educational needs and social care needs. Children who are placed in residential schools and part funded by social care are likely to have severe learning difficulties and or physical disabilities and in addition probably display challenging behaviour.

### Residential homes

- 3.10 Children and young people are not placed in residential homes if they can be cared for in a kinship or foster care placement. However, there are a number of children over 12 years whose behaviour is too difficult for foster carers or who cannot accept an alternative family. Residential homes vary from children’s homes which offer non specialist care to therapeutic communities with intensive support to care for the most disturbed and challenging children. Residential homes are the most costly placements. Costs of residential homes vary with the ratio of staff to children and the qualifications and experience of the staff employed, but the higher the staff ratio the higher the cost will be. Residential homes care for children and cannot detain children and young people against their wishes. They cannot prevent children from absconding if they are determined to do so.

### Secure units

- 3.11 Young people are placed in a secure unit if their behaviour puts them or others at significant risk. Secure Orders are granted by a court only if there is strong evidence of the risk to the child or others and evidence that no alternative placement will meet the young person’s needs. There are strict review criteria and children are placed in such units for as short a time as possible.

### Semi-independent accommodation

- 3.12 The majority of young people move into semi-independent accommodation at 17 years. This is to prepare them to become independent adults at age 18 years. The accommodation is often in a flat or bedsit, either with support on the premises or provided through visiting support staff. The support offered is

to assist young people to be able to manage financially, to look after themselves physically, and to remain in education, training or employment.

In August 2006 Brent's looked after children were placed as follows:

Placement Type	Number of children
Placed with parents	10
Kinship Care	40
Placed for adoption	17
Brent Foster Carers	111
IFA foster carers	110
Residential school	19
Residential home	46
Residential Care Home	3
Secure Accommodation	0
Semi independent accommodation	38

Table 4 displays the placement type of children and young people looked after at 30/9/06

3.13 All but 2 of the children and young people placed in residential homes were over 12 years.

3.14 The looked after children population is fluid and the numbers who start and cease to be looked after each month varies.

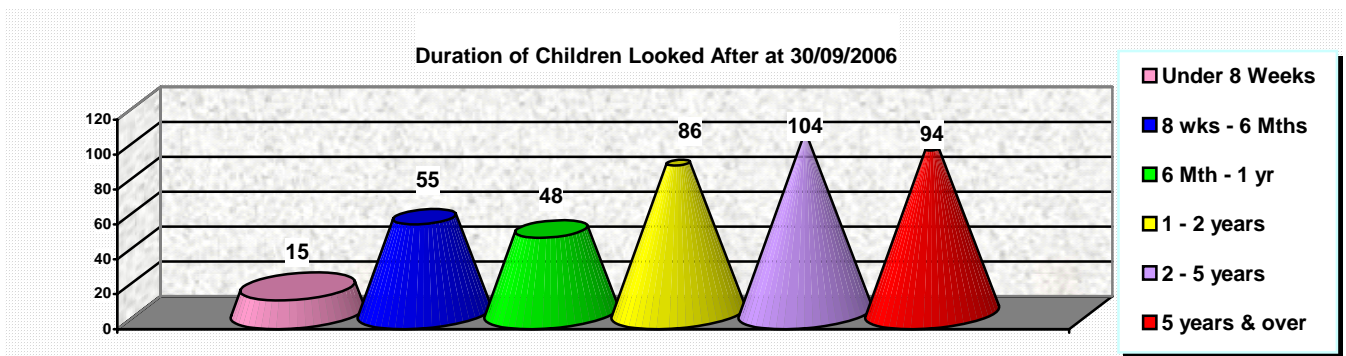


Table 5 above displays the duration of children looked after at 30/9/06

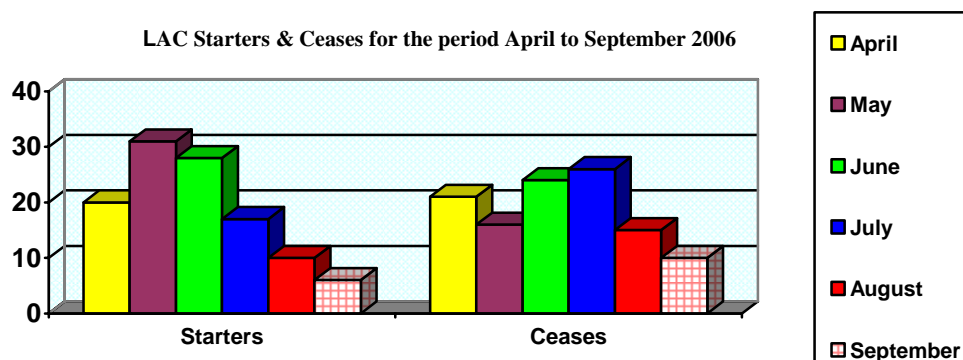




Table 6 above displays the numbers of children and young people starting and ceasing to be looked after between April and September 2006

- 3.15 The two most important reasons for ceasing to be looked after are returning home to parents or family and reaching age 18 years.

#### **4. Trends for looked after children in Brent**

4.1 There were 383 children looked after in September 2004. The number of children and young people looked after has peaked at a higher point (by between 10 -15 children) each year since 2003 and reached 427 in June 2006 before falling to 402 at the end of September 2006. The trend is therefore upwards but within the increase there has been an increase in the numbers of care proceedings, which means that these children will be looked after for longer, and an increase in the numbers of young people 12 plus with complex needs and challenging behaviour who require high cost placements. There has also been an increase in the number of care leavers supported by the local authority. Taken together these trends constitute an increase in demand and have placed considerable and growing pressure on the social care budget.

4.2 Brent has limited choice of placements for children and young people. There are not enough Brent foster carers available resulting in a high usage of more costly IFA placements. There are no residential homes in borough and this has resulted in a higher number of children than is acceptable to the Commission for Social Care Inspection being placed out of borough. Out of borough placements mean that children may have to change schools and move away from friends and their community of origin. It is more difficult to achieve rehabilitation home when a child is out of Brent and it is also more difficult to monitor out of borough placements and ensure children are well cared for and safe.

#### **5. Costs of looked after children.**

5.1 Allowances to Brent Foster carers vary from £139.50 to £361.52 per week depending on age. The cost of a placement with an Independent foster carer varies from £600 - £750 per week. Residential placements vary from £1800 – £4500 per week depending on the needs of the child or young person.

5.2 More children are being placed in high cost placements as a result of difficulties in recruiting foster carers and because the needs and behaviour of older children are often too complex for foster carers to manage without intensive support.

5.3 The rising costs of placements and the lack of appropriate placements means that it is now urgent to review Brent's strategy for the placement of looked after children. To this end a project manager has been appointed with the

remit of identifying the needs of Brent's looked after children and proposing alternative solutions both to preventing children becoming looked after and purchasing placements for those who do become looked after. This work will include a review of fostering and a review of residential placements and proposals will be made to achieve more in borough placements.

## **6. The Green Paper – Care Matters: Transforming the lives of Children and Young People in Care**

6.1 Despite our best endeavours outcomes for children looked after are not as good as we would want them to be and seldom as good as outcomes for children in the wider population. This is the situation nationally. Children who are looked after often have poor educational outcomes, are more likely to be become pregnant as teenagers, more likely to offend, abuse drugs and alcohol or become mentally ill.

6.2 The care system in itself cannot be held responsible for poor outcomes as very many children and young people have been damaged by their experiences before they become looked after. Looked after services are not always able to make up for the deficit of good care, especially for older children, and for some children the lack of appropriate services and placements can add to the complex problems they bring with them when they become looked after.

6.3 This has been recognised by government for some years and initiatives such as "Quality Protects" and the Leaving Care Act have gone some way to improving outcomes. The Government has now recognised that these initiatives have not been sufficient and has published a green paper for consultation. The green paper sets out to answer the question "what is the best way to care for children who, for reasons not of their making, are unable to grow up with their birth parents? It starts from the premise that our goals as corporate parents for children in care should be exactly the same as our goals for our own children and starts from the position that the life chances of all children have improved but for children in care they have not improved at the same rate - so the gap is bigger than ever.

6.4 The green paper makes a number of proposals:

- A national centre of excellence to identify and spread best practice,
- Piloting:
  - New independent "social care practices" where social workers will be employed
  - Budget -holding lead professionals
  - New regional commissioning units
  - A "virtual head teacher" in every local authority area responsible for driving up performance
  - A veto for young people a over any decisions about moving on from care before they turn 18.

Allowing young people to live with foster carers up to the age of 21

- A tiered framework of foster placements, underpinned by a new qualifications framework
- Councils to have the power to direct schools to admit children in care, even where the school is fully subscribed
- Encourage councils to provide free access for all children in care to their leisure centres, sports grounds and youth clubs
- Topping up the Child Trust Fund and introducing a National Bursary for children in care going to university
- Ofsted to carry out a regular inspection of how each council is meeting educational needs of children in care
- Making the education of children in care one of the DfES's key national priorities for local government.

6.5 The green paper re-introduces the concept of children being in care rather than looked after although it is not clear why it has done so. The proposals are wide ranging and whilst some are radical others build on what is already recognised as good practice. Although the objectives are laudable there is no mention at this stage of additional resources. A corporate response will be prepared before the consultation ends on 15 January 2007.

6.6 The Children's Placement Project already underway in Brent will make proposals to members in line with the intention and objectives contained in the Green Paper and should position the Department well when legislation is introduced.

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