

	<p style="text-align: center;"><b>Cabinet</b> 12 December 2022</p>
	<p style="text-align: center;"><b>Report from Corporate Director, Children and Young People</b></p>
<p style="text-align: center;"><b>Pan-London Vehicle for the Commissioning of Secure Children’s Home provision for London</b></p>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Two Appendix 1: PLV legal structure and membership Appendix 2: Financial modelling of the SCH and PLV
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Shirley Parks Interim Director, Safeguarding, Partnerships and Strategy <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a></p> <p>Michelle Gwyther, Interim Head of Forward Planning, Performance and Partnerships <a href="mailto:Michelle.Gwyther@brent.gov.uk">Michelle.Gwyther@brent.gov.uk</a></p>

## 1.0 Purpose of the Report

- 1.1 This report seeks approval for Brent to join a Pan-London Vehicle (PLV) for the commissioning of placements for looked after children and care leavers. In the first instance, the PLV will develop and run secure welfare provision in London.

## 2.0 Recommendations

That Cabinet:

- 2.1 Agrees for Brent to become a member of a not-for-profit company, limited by guarantee, provisionally to be known as the Pan London Vehicle (“PLV”) to:

- 2.1.1 Develop and then oversee the running of London's Secure Children's Home provision for a five-year period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 with break clause after three years as set out in Section 8; and
- 2.1.2 With reference to paragraph 4.5, agree that the preference would be for the PLV to be hosted by London Councils in order to ensure appropriate political oversight from all participating boroughs.
- 2.1.3 Explore the potential to collaborate with other PLV members on future joint commissioning programmes.
- 2.2 Commits in principle to joint oversight and risk/benefit sharing, through the PLV, of the Secure Children's Home ("SCH") provision, for a five-year period to 31<sup>st</sup> March 2028, including the build, service development and service commissioning phases, subject to ratification after the revision of the SCH business case, and renewable on a ten yearly cycle thereafter, with break-point after five years.
- 2.3 Delegates authority to the Corporate Director, Children and Young People in consultation with the Corporate Director, Finance and Resources and the Lead Member for Children, Young People and Schools to make the final determination on the Council's membership of the PLV, following completion of the revised SCH business case and legal documentation and, if appropriate, to enter into all the legal agreements, contracts and other documents on behalf of the Council required to implement and run any aspect of the PLV arrangements.

### **3.0 Detail**

- 3.1 Children with particularly complex needs, including those who are at significant risk of causing harm to themselves or others, including risk to life, can be placed in a Secure Children's Home when no other type of placement would keep them safe. There is a significant shortage of national Secure Children's Home provision as highlighted by Ofsted and London has no provision. The numbers of children placed are small, but the placements expensive. Furthermore, when places are not available, the alternatives are amongst the costliest placements for children's services, often requiring multiple ratios of staff for each child. For example, the Association of Directors of Children's Services (ADCS) recently highlighted more than twenty local authorities paying over £20K per week (equivalent to £1 million per year) for individual children's placements and one case of a placement costing £49,680 per week (equivalent to over £2 million per year).
- 3.2 While there are in any one London local authority only a few children placed in secure welfare provision a year (in Brent we have had two such placements over the past year), there are many children being referred to the national system for allocating secure welfare provision who are unable to be placed as a result of lack of capacity. There is an opportunity now to develop and establish Secure Children's Home (SCH) provision in London to bring additional capacity to the market, with capital provided by the Department for Education, but this requires a pan-London approach.

- 3.3 It is proposed that a company, jointly owned by London local authorities and known as the Pan London Vehicle (PLV), should be established to oversee the development and running of the new Secure Children's Home provision. In the long term, it is intended that the PLV's remit will include other key pan-London commissioning arrangements that will improve the lives of London's children and young people.
- 3.4 The PLV will initially oversee the build and contribute to the development of the operating model for the new SCH provision, as well as the commissioning arrangements to run the service. The PLV will be a means to share the risks and benefits associated with developing and running the SCH, with a key benefit being that places at the new provision will be prioritised for the London local authorities who opt in to join the PLV.

### **Why does London need Secure Welfare Provision?**

- 3.5 Children and young people with particularly complex needs who require placement in secure welfare provision are considered to be at significant risk of causing harm to themselves or others, including risk to life. Children and young people placed in SCHs are likely to have experienced a number of placements that have broken down, missed a lot of education, have unmet emotional and physical health needs and have suffered a great deal of trauma in their lives. SCHs provide a safe place where these very vulnerable children can receive the care, education and support that they need. A Secure Children's Home is a locked environment, where liberty is restricted and children and young people are supported through trauma aware and psychologically informed integrated care, health and educational services.
- 3.6 Across London, a relatively small number of children and young people require a secure welfare placement, which is very high-cost provision and despite their complex needs, these children are often placed the furthest from their home local authorities (an average distance of 192 miles). Not only do they risk loss of contact with their family and local community, they can also lose contact with local pathways into education, training and employment, which can have a negative impact on their development post-placement.
- 3.7 There is a national shortage of secure welfare provision and places are often not available when referrals are made so children and young people deemed to meet the threshold for secure welfare provision are then placed in less suitable but higher cost alternatives. This shortfall in provision is particularly acute in London where there is not any Secure Provision – over three years London referred 295 children to Secure Provision but only 159 received places. The majority of requests (72%) are for children from Black and Minority Ethnic groups, well in excess of the London comparable profile of 41%. The current arrangements are exacerbating poorer outcomes for this group and racial disparities.
- 3.8 Pan-London analysis pre-Covid pandemic (October 2017 to May 2018) highlighted that an average of 21 London children were in Secure Welfare

provision at any one time. Snapshot data taken at the end of each month in the period between December 2021 and September 2022 shows on average 12 of London's children at any point in time – this includes 3 children who were placed in a secure welfare provision in Scotland over 450 miles away. While the number of placements is lower than before the pandemic, during the same period, 29 referrals were made for a secure welfare placement, but a placement was not offered. In a September 2022 survey, London local authorities reported that due to the known shortage of provision, they often do not make a formal referral for secure welfare.

- 3.9 Of a sample of 50 'alternative to secure' placements reported in a September 2022 survey, 17 related to children with a deprivation of liberty order in place. Instead of being placed in a Secure Children's Home, as required by the court order, these children were placed in settings that are not specifically designed to protect complex children and young people. 10 were placed in unregulated settings or in provisions that are not legally registered to operate as a children's home, placing these vulnerable children at risk of not receiving the care, education and support that they needed.
- 3.10 Over the past year Brent has placed two young people in secure welfare provisions in England. Previous to this the LA has placed a young person in secure welfare provision in Scotland. As of September 2022, Brent did not have any children or young people in a secure welfare placement under a secure welfare order. One young person is currently subject to a Deprivation of Liberty Safeguards Order as an alternative to an application for a welfare secure placement given the length of the national waiting list.
- 3.11 Financial data provided by London local authorities in the September 22 survey shows that the average cost of a secure welfare placement has increased from £7K per week in 2019, rising to £10.5K per week in 2022. Some local authorities have paid up to £25K per week for secure welfare placements. In the same period, local authorities have also paid up to £30K per week for placements made as an alternative to secure.
- 3.12 The numbers of children are too small and the investment required too great for any one local authority to run its own secure welfare provision, but there is potential for a pan-London approach, which would enable the benefits to be shared whilst also jointly managing the risks of developing such provision. A pan-London approach also fits with recent reports from the Competition and Markets Authority (<https://www.gov.uk/government/publications/childrens-social-care-market-study-final-report/final-report>) and the Independent Review of Children's Social Care (<https://childrensocialcare.independent-review.uk/>) which recommended multi-authority approaches to develop greater understanding of need, engage with the market and stimulate new provision.
- 3.13 The need for provision was also highlighted through Her Majesty's Chief Inspector's Annual Report to Parliament (2020) which stated –

*The national capacity of Secure Children's Homes remains a significant concern, with approximately 20 children awaiting a placement on any given*

*day and the same number are placed in Scottish secure units. This increases pressure to use unregulated provision. Provision is not always in the right place, so that some children are placed a long way from their home and family.*

- 3.14 The Association of London Directors of Children's Services (ALDCS), working with NHS England and the Mayor's Office for Policing and Crime (MOPAC) commissioned a review in 2018 of the use of Secure Children's Homes by London's children and young people. This review provided detailed evidence of the need for provision in London, which has informed this report.
- 3.15 There is also a shortfall of high-cost low incidence residential provision in London, estimated as at least 225 places. This also drives up placements costs, contributing to pressures on budgets across London local authorities. The Competition and Markets Authority highlighted the lack of suitable local provision nationally, but particularly in London citing – *'lack of placements of the right kind, in the right place...materially higher prices...and providers carrying very high levels of debt.'*

### **The proposed provision**

- 3.16 The Association of London Directors of Children's Services (ALDCS), London Councils, NHS and London Innovation and Improvement Alliance (LIIA) have expressed unanimous support for the development of Secure Children's Home provision in London. A business case for Secure Children's Home provision in London formed the basis of a successful bid to Department for Education and funding has been allocated to develop the required provision for London children.
- 3.17 As well as ALDCS members, a range of stakeholders were engaged throughout the development of the business case including: London Councils' Executive, Leaders' Committee and Lead Members; Local authorities (children's social care and youth offending teams); Central government (Department for Education, the Mayor's Office for Policing and Crime, OFSTED, Ministry of Justice); Clinical experts and practitioners within the field of children's services and health; Third sector organisations delivering children's services and Children and young people with lived experience of SCH.
- 3.18 The proposed provision will be designed specifically for London, with purpose-built accommodation. This will reduce the risk of beds needing to be held vacant after a child with challenging behaviours is placed there in order to maintain a safe environment. The provision is being designed with co-located step-down facilities with wrap-around support, which is an innovative approach to supporting the children post-placement. This will enable a smoother transition and a return to the family or to the most appropriate long-term placement that will meet the child's needs. This will also prevent use of emergency placements following a 72-hour placement in secure, when the local authority may not have enough time to identify the best next placement or prepare the child and family for a safe return home. This can lead to placement breakdowns or return to

care, both of which incur avoidable costs and impact detrimentally on outcomes for the child.

3.19 The business case to address the need for Secure Welfare Provision, considered a range of options:

- Do nothing
- One small Secure Children's Home (8-12 places)
- One large Secure Children's Home (20-24 places)
- Two small Secure Children's Homes (8-12 places each)
- Enhancing existing resource
- To develop a specialised community team
- A Step-down facility
- A specialised open facility

3.20 These were evaluated through stakeholder engagement and assessment against the following criteria:

- Impact on early intervention and prevention
- Accessibility of a secure placement
- Continuity of care and relationships
- Care and education in the placement
- Transition from secure to community
- Value for money
- Initial investment
- Deliverability

3.21 The options analysis led to the recommendation to develop secure welfare children's home provision for London with capacity for 24 placements, alongside facilities for step-down accommodation and tailored support for children after placement. The key reasons for this recommendation are:

- Provision for 24 places would meet the demand in London
- Step-down provision would enable better exit planning and work to take place to support children and young people within the community, reducing the likelihood of repeat placements in secure welfare
- Step-down facilities will enable more holistic support to be provided to prevent unnecessary transitions into secure provision for children and young people on the edge of a secure placement.

3.22 The option to enhancing existing resource was rejected due to the complexity of allocating resource to disparate CAMHS, social care and YOT teams in some London authorities and the lack of a joined-up approach across London. Development of a specialised community team was rejected due to the risk of duplicating the role of Community Forensic CAMHS teams and fragmenting care pathways.

3.23 In February 2022, DfE confirmed the funding to take a proposal forward for Secure Children's Home provision in London for 24 places, alongside step-down provision. The step-down provision will provide for improved transition as a follow-on placement. Over £3 million has been allocated for the development

phase, with anticipated capital of over £50m subject to completion of the development phase. The development funding is currently being held by the London Borough of Barnet on behalf of all London local authorities. The DfE will be reviewing progress against gateway milestones, one of which is the commitment of local authorities in London. This report seeks that commitment.

3.24 The DfE development grant will cover the PLV's costs during the development period. Local authorities therefore will not be required to make a financial contribution to the running of the PLV until the SCH provision launches. During this development phase, PLV members will work collaboratively to agree how the SCH provision will be run and managed. This includes:

- developing and approving the pricing strategy and revenue model for generating financial income;
- developing the practice model and operating model including but not limited to the approach to working with children, young people and their families; safeguarding and risk management arrangements; quality assurance arrangements; the commissioning approach / staffing model and the process for managing referrals and placement allocation.
- Inputting into and approving a refreshed business case which will revisit and update the 'case for change'; provide up to date and well-developed costings, informed by the final model of practice and operating model; identify the benefits that will be delivered by the new model (financial and non-financial) and consider the most suitable route for appointing a service provider.

3.25 During the development period, member local authorities will also explore alternative models for covering the cost of running the PLV that does not require annual subscription.

#### **4 Proposed legal vehicle to share risks and benefits**

4.1 The following models were assessed to determine the best approach for risk-sharing, commissioning and oversight of the new provision:

- A lead London local authority
- An existing pan-London entity
- A new pan-London entity
- Joint venture with a third party

4.2 Following analysis and evaluation of the risks and challenges of each option, the recommended approach is a Pan-London Vehicle as a new legal entity that allows the new provision to be jointly owned and managed by London local authorities. The risk of investment and operating costs is too great for any one local authority. This new Pan-London Vehicle will manage the commissioning and oversight of the new provision, so the benefits and risks are shared across local authorities. It also means that all member local authorities will be on an equal or close to equal footing in decision-making.

4.3 The following options have been considered as the legal basis for setting up and running the PLV:

- Company Limited by Shares
- Company Limited by Guarantee
- Limited Liability Partnership
- Charitable Status
- Community Interest Company

4.4 Following expert legal analysis of these options, the recommendation is that the PLV should be established as a Company Limited by Guarantee. This enables joint ownership, with limited liability and any profits being held within the Company for future provision.

4.5 The PLV will be hosted in a larger organisation as it will comprise a small number of staff. The key options are for it to be hosted in the London Borough of Barnet as the current fund-holding body or to be hosted in the local authority where the new Secure Children's Home is located, which is yet to be finalised. Another option would be for London Councils to host the PLV. The location of the PLV will be agreed by member authorities after the location of the Secure Children's Home has been finalised.

4.6 Tax implications for the agreed structure will need to be fully understood, so as to avoid unnecessary VAT consequences.

4.7 The legal basis, membership and decision-making processes are set out in more detail in Appendix 1.

## 5 Finance and resources

5.1 The development costs (c£3m) and the capital costs (c£50m) will be provided by the Department for Education, subject to completion of agreed project milestones. This is a significant investment in provision for London's most vulnerable children which will only be secured for London with the commitment of London local authorities

5.2 The total annual of cost of placements at Secure Children's Homes that the new provision would replace was estimated in the original business case (2019 figures) as £7.8 million per annum. The new provision overseen by the PLV has an estimated cost of £7.5 million (2019 figures), based on the original business case – note that these costs have not been adjusted for inflation. See Appendix 2 for inflation adjusted financial modelling.

5.3 Further, there are additional financial benefits including:

- Reductions in staff travel time to out of region Secure Children's Homes
- Reductions in staff time sourcing placements
- Reductions in secure transportation costs
- Reductions in use and cost of unregulated/bespoke provision, often sourced at short notice and at extremely high costs
- The potential for the PLV to gain a share of any margin achieved and consequently reduce the cost of membership
- Potential further savings through other joint commissioning projects



- 5.4 The full business case will be revised and updated following site confirmation and local authority confirmation of participation. In the meanwhile, the costs have been updated using the Consumer Price Index (CPI) and evidence from London local authorities, with summary modelling in Appendix 2.
- 5.5 During the initial five years (1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028), the financial commitment from each local authority will £20k per year for the operating costs of the PLV, payable only once the Secure Provision opens, with an opt-out facility after three years informed by the revised business case, detailed model and location(s). Additionally, each participating local authority will share in the risk and benefits of operating the Secure Children's Home provision estimated to be £8 million per year (adjusted from 2019 for inflation). As demand for provision exceeds the capacity of the new London Secure Children's Home provision, the risks are minimal and the benefits across London are significant. A range of scenarios are modelled in Appendix 2, setting out the financial impact in each case.
- 5.6 Provision at Secure Children's Homes costs between £7k and £9.5k per week, based on sample London data. Where Secure Children's Home provision is not available, alternative provision is very costly, typically £12k+. Nationally, the Association of Directors of Children's Services (ADCS) has highlighted more than twenty local authorities paying £20k+ per week for placements for complex children and young people (equivalent to £1m per year) and one example of a local authority paying just under £50k per week (equivalent to over £2m per year). The London provision would be at a lower placement cost.
- 5.7 For this report, the operating costs of the new Secure Children's Home, plus transport costs and the running costs of the PLV are compared for a range of occupancy levels and placement fees. The modelling is conducted for a three-year period as initially commitment is sought from local authorities for five years, two years of which are planned as set-up and three years as the initial operating period. Commitment will then be sought for each subsequent five-year period.
- 5.8 Three levels of placement charges are considered based on the sample London data referred to in paragraph 5.6: £8250 per week as the mid-point of current Secure Children's Home Charges, £10,000 per week and £12,000 per week, with the latter recognising this provision will replace some very costly alternatives.
- 5.9 Four scenarios for occupancy levels are considered in the modelling - 100% occupancy, 90% occupancy, 85% occupancy and 50% occupancy in Year 1 followed by 85% in Years 2 and 3. All modelling allows a 10% margin for the provider, although provider costs would be expected to be determined competitively through procurement. The modelling demonstrates most scenarios generate a surplus to support future provision. The risk of the lower occupancy scenarios being realised is low, as there is a shortfall of provision nationally. It is proposed that provision would be prioritised for the London local authorities which have opted into membership. If there are vacant places,

however, these could be taken up by authorities from outside of London if agreed.

- 5.10 Placement costs will be funded by individual local authorities using children's placements budgets. Placements for London local authorities which opt to be members will be charged at cost, whereas other London local authorities will be charged a higher fee, for example to cover the cost of voids, with all surplus income supporting future provision.
- 5.11 As owner of the provision, the PLV (and thus member local authorities) will have more control over the pricing structure and will be able to reduce the wide variation in charges that can arise in the current market within very short timeframes. This will significantly provide more transparency in costs and pricing.
- 5.12 The PLV member local authorities will lead the strategic development of the provision and have scrutiny over the quality of service delivery through the quality assurance framework that will be agreed as part of the commissioning arrangements. Improved quality of provision will lead to better outcomes for children and young people, resulting in reduced future costs from repeat placements and other packages of support.
- 5.13 The PLV will also be developed with the potential for wider joint commissioning in future. This will enable collective action to address significant financial pressures and shortfalls in provision for children, particularly those needing high-cost low incidence residential provision. Collaboration through the PLV will facilitate the development of pan-London market intelligence and market shaping, with the potential to develop new private, voluntary, independent and local authority led provision.

## **6 Benefits and risks**

- 6.1 There are clear benefits for London local authorities that join the PLV to develop and commission Secure Children's Home provision for London. The key advantages are:
  - increasing capacity locally and reducing the overall national shortfall in provision
  - priority access to local provision for children with accompanying step-down arrangements that improve outcomes
  - Reduced staff travel time to meetings and visits and reduced transport costs
  - Reduced reliance on the private care placement market and high-cost provision
  - Access to provision at cost, whereas other local authorities will be charged a higher fee
  - Opportunity to shape the future Secure Children's Home and step-down provision and be part of ongoing governance
  - Opportunity to be part of wider joint commissioning through the PLV in future such as addressing the shortfall in high-cost low incidence provision

- 6.2 There are some risks associated with joining PLV and oversight of the London Secure Children’s Home as set out in the table below.

<b>Risk</b>	<b>Mitigating action</b>
Failure to achieve expected occupancy levels	The shortfall in provision in London and nationally makes this a very unlikely risk, although it could be experienced temporarily such as in the initial operating period. Lower occupancy in the initial operating period has been modelled. Governance, management oversight and staffing will be key to ensuring good occupancy and these are built into current plans.
Unsatisfactory outcome from statutory inspections	Recruitment of experienced Registered Manager and other managers with experience of managing a similar provision. Regular monitoring and quality reviews will reduce this risk. Robust management and swift turnaround would be required if an inspection was less than satisfactory.
Child serious injury or death	Robust risk management policies, procedures and training. Strong practice model, safeguards, rigorous performance reviews and effective oversight, with experienced managers and staff who will be in place to minimise this risk.
Adverse publicity/Reputational damage from failure of the centre linked to the above or other factors	Proactive communications, strong practice model, safeguards, rigorous performance reviews and effective oversight, management and staffing will be implemented to minimise this risk.

## 7 Progress to date

- 7.1 The business case for the new provision has been developed, including evidence of need by London local authorities, with input from other agencies including health and the Mayor’s Office for Policing and Crime (MOPAC).
- 7.2 In response to the business case developed for an SCH in London, the Department for Education has allocated c£3m of development funds, with c£50m of capital funding subject to progress in against key milestones.
- 7.3 A Secure Children’s Home and Community Project Steering Group has been established, comprising London Directors of Children’s Services, together with Health, Mayor’s Office for Policing and Crime (MOPAC) and the Department for Education. This group is providing oversight until the formation of the proposed Pan-London Vehicle.

- 7.4 A site search has been conducted, based on the statutory criteria for a Secure Children's Home. From a long list of over 400 sites initially considered, two preferred options have been identified, one of which is being taken forward for more detailed assessment.
- 7.5 A practice model for the provision is being developed by a multi-agency group which will provide an innovative approach to working with children, young people and their families / networks.

## **8 Commitment sought**

- 8.1 The support of London local authorities is required in order to secure capital funding from Department for Education. The commitment is sought for a five year period from 1 April 2023 to 31 March 2028, with a break-point after three years after the refreshed business case has been developed alongside the service pricing structure, commissioning approach, practice model and confirmation of the SCH's location. Thereafter, commitment will be sought for ten-year periods, with break-points every five-years.
- 8.2 To cover the running costs of the PLV, the financial commitment from each local authority will be £20k per year, subject to inflation adjustment and payable only once the provision has launched. This is unless an alternative model for funding the PLV, that does not require an annual subscription, is agreed by members during the development phase.
- 8.3 The PLV will also provide the opportunity to explore the potential for collaboration in future joint commissioning arrangements through the PLV.
- 8.4 It is recommended that the decision to proceed after three years is delegated to the Corporate Director, Children and Young People in consultation with the Corporate Director, Finance and Resources and the Lead Member for Children, Young People and Schools.

## **9.0 Next steps**

- 9.1 Following decisions by London local authority Cabinets or equivalent decision-making bodies across London, the Pan-London Vehicle will be formed as a legal entity with members from the London local authorities who have agreed to opt in.
- 9.2 Subject to a sufficiently large number of London local authorities opting in, then the development of the London Secure Children's Home will proceed, with planned opening in 2025.
- 9.3 Following revision of the business case, local authorities will be asked to confirm their commitment for the remainder of the five-year period based on the commitment in principle sought in this paper. At this stage, it will be possible for local authorities to opt out, but this is considered unlikely as risks are low given the demand for provision.

## **10.0 Financial Implications**

- 10.1 Section 5 of this report details the financial assumptions of the Pan London Vehicle. At this stage, it is expected that the local authority will not incur any initial costs during the development stage, as the DfE will provide the required capital (£50m) and revenue (£3m) funding.
- 10.2 Once the provision has launched, which is estimated to be in 2025/26, and a refreshed business case has been developed, it is assumed that there will be a required annual membership fee of £20k to fund the running costs of the PLV, which will also be subject to inflationary increases. The cost will need to be identified from existing resources within the placements budget. This would be identified as cost avoidance, given a placement in the SCH would be cost less than current alternatives and given the financial benefits of the provision listed in Section 5.3. The cost of any SCH placement will be funded from the existing placements budget.
- 10.3 The risk remains that high inflationary increases in the current economic climate could see weekly costs increase which would impact on the current financial model. Further analysis on the financial benefits will be undertaken once a revised business case has been completed.

## **11.0 Legal Implications**

- 11.1 Section 22(3) of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of looked after children. This requires a local authority to act as good corporate parents to enable each looked after child to achieve their full potential. Local authorities should ensure that in commissioning services from providers of children's homes they comply with their responsibilities under the Children Act.
- 11.2 The Council has a legal duty outlined in Section 22G of the Children Act 1989 to 'take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of its looked-after children and those who would benefit from being accommodated'.
- 11.3 As detailed in paragraph 3.1, there is a significant shortage of national Secure Children's Home provision as highlighted by Ofsted and London has no provision. Officers therefore recommend Brent becoming a member of the PLV, a not-for-profit company, limited by guarantee in order to develop and then oversee the running of London's Secure Children's Home provision
- 11.4 As set out in the Recommendations and Section 8, a commitment to being a member of the PLV is sought for a five year period from 1 April 2023 to 31 March 2028, with a break-point after three years after the refreshed business case has been developed alongside the service pricing structure, commissioning approach, practice model and confirmation of the SCH's location. Thereafter, commitment will be sought for ten-year periods, with break-points every five-years. To cover the running costs of the PLV, the financial commitment from each local authority will be £20k per year, subject to inflation

adjustment and payable only once the provision has launched. Commitment is also sought to participation in future joint commissioning arrangements through the PLV.

- 11.5 Section 4 of the report and Appendix 1 to the report sets out a detailed analysis of the proposed PLV legal structure and membership.
- 11.6 Subject to Members agreement, a range of legal documentation will need to be entered into and delegated authority to the Corporate Director, Children and Young People in consultation with the Corporate Director, Finance and Resources and the Lead Member for Children, Young People and Schools is sought to progress this.

## 12 **Equality Implications**

- 12.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.
- 12.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 12.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 12.4 The SCH provision is aimed at improving a ranged of outcomes for some of Brent's most vulnerable children and young people, including health and wellbeing and education. Across London there is disproportionality in the children and young people placed in secure welfare provision. In partnership with other London local authorities, the Council will design the SCH provision, and any other services developed and managed through the PLV, to ensure the specific needs of Brent's children and young people are taken into consideration.
- 12.5 As part of the work to develop the new SCH provision and other PLV services, an Equalities Impact Assessment will be undertaken to consider the impact of

these services on children, young people and their families, in terms of protected characteristics. Any consultation responses received as part of the EIA that raise matters related to equalities, diversity and inclusion will be addressed in the final service delivery model and kept under review.

### **13 Consultation with Ward Members and Stakeholders**

- 13.1 There has been wide consultation on the proposals outlined in this report to ensure it accurately reflects the aspirations and priorities of London local authorities. The groups that have been consulted are outlined in paragraphs 2.1 and 2.2. Consultation with relevant groups will be ongoing throughout the development phase and this will include engagement, consultation and coproduction with children, young people and their families as appropriate.
- 13.2 The Lead Member of Children, Young People and Schools was informed about this provision at a meeting of Lead Members of Children's Services organised by London Councils in October 2022. The Lead Member will be kept informed of developments.

### **14.0 Human Resources/Property Implications (if appropriate)**

- 14.1 N/A

### **Appendices**

Appendix 1: PLV legal structure and membership  
Appendix 2: Financial modelling of the SCH and PLV