



Children Looked After Strategy

2014- 17

Appendix Aii

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## **1. Protected Characteristics**

### **CLA Population by Equality Act 2010 Protected Characteristics**

#### **Age Range**

In January 2014, 33% of Lancashire's CLA were aged 10 to 15, 30% were aged under 5, 22% were aged between 5 to 10 and 15% were aged 16 to 18. The proportion of aged 1 to 4 is higher than the national average whilst the proportion aged 16 and over is lower. The 'bulge' ages for children becoming looked after in Lancashire appears to be ages 10-15 years and 0-4 years which are similar to trends in other authorities.

During 2012/13, 610 children and young people became looked after in Lancashire. Three-quarters of these children and young people were in the 'bulge' ages of 10-15 years and 0-4 years. Lancashire had the highest percentage of under 1s coming into care (26%), higher than the three benchmarked authorities and the national and regional average. It also had the highest percentage of children aged 1 to 4 years coming into care (23%), equal to the North West average. Lancashire had one of the lowest percentages of young people coming into care aged 16 and over (9%), second only to the North West average of 8%.

Local analysis of the number of admissions into care by children and young people aged 11 to 18, between October 2011 and March 2012, showed nearly half (47%) of 11 to 18 young people coming into care were aged 14 and 15. Just under a quarter (24%) were aged 11 to 13 and 27% were aged 16 and 17.

#### **Gender**

In January 2014, more than half of children in care in Lancashire were male (approximately 56% male compared with 44% female). Males have outnumbered females in virtually all age ranges, every year across the five year period 2009 – 2014, with a consistent percentage of between 55-56%.

#### **Ethnicity**

The vast majority of the CLA population is white (90%), slightly over-represented when compared with the overall population of children and young people. The proportion of children of 'mixed' heritage (5%) is also over-represented. In contrast, children of Asian/Asian British heritage (4%) are under-represented.

#### **CLA with Special Educational Needs**

According to the latest Lancashire Joint Strategic Needs Assessment, CLA are twice as likely to have special educational needs (SEN) than their peers. Estimates from March 2013 showed that 24% of CLA had a statement of SEN and a further 40% had SEN at School Action or School Action Plus level. Only 36% of CLA did not have any level of SEN. More recent analysis has shown an increase in the percentage of CLA with SEN from 64% to 68%, with 33% of CLA with a statement of SEN.

## **CLA with a Disability or Medical Condition**

In 2012/13, only 1% of children who became looked after had disability as a category of need, compared to 2% regionally and 3% nationally. Nottinghamshire had 4% with disability as a category of need and Kent had 3%.<sup>1</sup> This could be seen as an indication that our Children with Disabilities Family Support Strategy (which includes support such as short breaks provision, direct payments, respite care and domiciliary day care) is effective. As of June 2014, there were 41 CLA with disability as a category of need, 32% were placed with in house foster carers, 39% were placed in agency foster care and 29% were placed in agency residential provision.

Analysis relating to CLA with disabilities is currently limited, due to the need to carry out manual searches across three data systems. It has been suggested that this issue will be addressed through the creation of a commissioned Education Health Care Plan system.

## **Needs of CLA**

Local analysis<sup>2</sup> of a sample number of children who became looked after in Lancashire during 2012 found that at the point of becoming looked after:

- 39% were not achieving their potential
- 32% were regularly missing school
- 41% were described as having poor behaviour overall - 27% were displaying poor behaviour at school and 37% were displaying poor behaviour at home.
- 46% of 12 – 17 year olds were misusing drugs and alcohol
- 16% had been engaged in some form of anti-social behaviour in the community
- 11% were explicitly described as stressed
- 5% had chronic physical health problems

The Joint Strategic Needs Assessment for Children and Young People in Lancashire (2013) identified that around one in twenty CLA in Lancashire were found to have a substance misuse problem, slightly above the national average, with half of those refusing treatment compared with less than a third nationally.

Further specific analysis on the needs of our CLA is not currently available. However, information from the Looking for Permanence Panel, which is a strategic group of key stakeholders who meet to consider whether needs are being met in the most efficient and cost effective way, suggests that there are identified needs in relation to violent behaviour, traumatised children with a high risk of sexualised behaviours and the ability of in house provision to meet profound health needs.

During consultation, Children's Social Care and providers (both in house and agency) raised concerns about the increased complexity of needs of children and young people becoming looked after, including: sexualised behaviour, sexual exploitation, sexual offending, those who are in danger of becoming a perpetrator and sexually abused younger children; emotional neglect; young people who self harm with suicidal tendencies; aggression; arson; offending; continual absconders;

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<sup>1</sup> Children Looked After in England, including adoption National Statistics 2013

<sup>2</sup> Matching Needs and Services in Lancashire, Social Research Unit December 2013

pregnancy; older siblings/ larger groups; children with disabilities; and unresolved relationship issues. Stakeholders reported that it can be challenging to find placements to support these specific needs.

In addition, it was felt that it can be particularly challenging to find appropriate placements for young people aged 16 and 17 and get the right support for young people moving into independence. Stakeholders also suggest that there is limited provision for homeless young people. Under the Southwark Judgement, homeless young people are entitled to an assessment by Children's Services to establish if they have additional needs. If the council provides accommodation for these young people, they are deemed 'accommodated' (looked after under Section 20 of the Children's Act). As looked after young people they could be placed in a range of placements.

There are a small number of young people (currently 6) for whom it is felt difficult to find a placement which meets their needs and keeps themselves and others safe from harm. Discussions with both in house and agency residential providers indicate that in these particular circumstances, there is a need for the development of more bespoke placements in order for these very challenging needs to be met, as they feel they cannot currently be met through existing provision. There is recognition that these bespoke placements would take time to plan and commission, but would save time and money in the long term, as they would better meet need and reduce the likelihood of placement breakdown. Rather than commission these placements with agency providers, it has been suggested that consideration could be given to developing in house provision so it can meet the more challenging needs of our CLA. However, there is recognition that developing in house provision may not be feasible for children with disabilities who have very complex needs.

## **2. CHILDREN AND FAMILIES ACT 2014**

The Children and Families Act seeks to improve the life chances for all children and young people so that they can succeed, no matter what their background. The Act will reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.

### **Main Provisions**

#### **Adoption and Virtual School Head (VSH)**

The Government wants to see more children being adopted by loving families with less delay. Children wait an average of almost two years between entering care and moving in with an adoptive family. The Act supports the reforms set out in *An Action Plan for Adoption: Tackling Delay* by;

- Promoting 'fostering for adoption' so that children are placed sooner with the families that are likely to adopt them.
- Removing the requirement that adoption agencies must give due consideration to ethnicity, religious background, ethnic background and cultural and linguistic background when seeking prospective adopters.
- Improving support for adoptive families through additional information and personal budgets.
- The Government is given the power to allow local authorities to outsource its adoption functions.
- A new statutory basis to giving an adoptive child contact with the child's birth family.
- A requirement on local authorities to have a 'Virtual School Head' who can have a positive impact on the educational achievement of looked after children.

#### **Family Justice System**

The Government is reforming the family justice system to help deliver better outcomes for children and families who go to court after family separation or where children may be taken into care. The reform programme is tackling delays and ensuring that children and young people's best interests are at the heart of decision making. The Act will implement commitments the Government made in response to the Family Justice Review by:

- Introducing a time limit of 26 weeks when courts are considering whether a child should be taken into care ensuring that they focus on the essentials and don't get caught up in unnecessary evidence or bureaucratic delay;
- Sending a clear message to separated parents that courts will start from the presumption that both should be involved in their children's lives where that is

- safe and consistent with the child's welfare;
- Introducing new 'child arrangement orders' which will focus parents on the child's needs rather than their own 'rights' and making sure more families have the opportunity to try mediation before applying to court.

For further information, see the Family Justice Review.

### **Special Educational Needs**

The Government is transforming the system for children and young people with special educational needs (SEN), including those who are disabled, so that services consistently support the best outcomes for them. The Act will extend the SEN system from birth to 25, giving children, young people and their parents greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out in *Support and aspiration: A new approach to special educational needs and disability: Progress and next steps* by:

- Replacing statements and learning difficulty assessments with a new birth- to-25 Education, Health and Care Plan (EHC), extending rights and protections to young people in further education and training and offering families personal budgets so that they have more control over the support they need.
- Improving cooperation between all the services that support children and their families and particularly requiring local authorities and health authorities to work together.
- Requiring local authorities to involve children, young people and parents in reviewing and developing provision for those with special educational needs and to publish a 'local offer' of support. The offer must include EHC provision, other education and training and travel support.

There is a new requirement that the local authority must follow four principles;

- Listen to the views, wishes and feelings of children, young people and parents.
- Ensure children, young people and parents participate in decision making.
- Provide necessary information and support to help children, young people and parents participate in decision making.
- Support children, young people and parents in order that children and young people can achieve the best possible educational outcomes in addition to thriving in other areas.

### **Childcare**

The Government is reforming childcare to ensure the whole system focuses on providing safe, high-quality care and early education for children. The enabling measures in the Act support wider reforms to substantially increase the supply of high quality, affordable and available childcare and include:

- Introducing childminder agencies to help more childminders into the market and offer greater support and quality assurance;
- Removing bureaucracy so that it is easier for schools to offer 'wrap-around'

care.

- Early years settings will be able to request and pay for an Ofsted inspection.
- A maintained school governing body will no longer have to consult the local authority, staff and parents before making childcare provision at the school.

On 29 January 2013, the Government published *More Great Childcare* which sets out a plan of action for how the Government will achieve its vision of a dynamic childcare market, delivering high quality early education and childcare.

### **Office of the Children's Commissioner (OCC)**

The Government wants to make sure that the Children's Commissioner can act as a strong advocate for children, helping to embed a culture where children's rights and interests are duly recognised. The Act will help improve the Children's Commissioner's effectiveness, taking forward recommendations in John Dunford's *Review of the Office of the Children's Commissioner* including:

- Giving the Commissioner a statutory remit to 'promote and protect children's rights'.
- Introducing changes to make the Commissioner more independent from Government.

### **Shared Parental Leave and Flexible Working**

The Government is committed to encouraging the full involvement of both parents from the earliest stages of pregnancy, including by promoting a system of shared parental leave, and to extending the right to request flexible working to all employees. These reforms will help create a truly family friendly society and support economic growth by making working arrangements work better for modern life. The Act will implement the commitments in the Government's response (November 2012) to the *Modern Workplaces* consultation by:

- Enabling working mothers and fathers to share parental leave when a baby is born.
- Allowing prospective parents to take more time off to attend antenatal appointments.
- Bringing the leave and pay entitlements for adopters more closely into line with what is available to birth parents.



### **3. LOOKED AFTER CHILDREN AND YOUTH JUSTICE**

#### **Briefing regarding the Department of Education's statutory guidance 'Looked After Children and Youth Justice' April 2014**

The Children Act 1989 Guidance and Regulations: Care Planning, Placement and Case Review for 'Looked After Children and Youth Justice' was published in April 2014. It is statutory guidance from the Department for Education. Local authorities must comply with this guidance when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation.

The guidance is for local authorities regarding their functions under Part 3 of the Children Act 1989. It was issued as guidance under section 7 of the Local Authority Social Services Act 1970 which requires local authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State. Where local authority is mentioned it relates to the responsibilities of children's services i.e. in Lancashire Local Authority Children's Social Care.

#### **Background**

The guidance has been issued as a stand-alone supplement to take into account amendments to the Care Planning, Placement and Case Review (England) Regulations 2010 for children looked after in contact with the youth justice services following changes in the youth remand framework. The changes came in December 2012 as a result of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA), which came into effect in April 2013. These Regulations modified the Care Planning Regulations to take into account the LASPOA.

The guidance covers Local Authorities, (Children's Social Care) and YOT areas of responsibilities:- remands for children already looked after or those who become looked as a result of LASPOA, appointing Independent Reviewing Officers, managing custodial sentences for looked after children, strategies to divert and prevent offending amongst looked after children who may be at risk of offending, protocols with police and fostering services and children's homes that minimises any police involvement to manage children's behaviour, arrangements to safeguard and promote the welfare of children in custodial settings, arrangements for an appropriate adult and a solicitor for looked after children, suitable bail support programmes and specialist placements, such as remand foster care schemes and PACE transfers.

It is the responsibility of the local authority to identify a suitable placement for all children transferred to their care under PACE or remanded to their care under section 92 of LASPOA. Local authorities are not required to produce a "plan for permanence" for this group of children, though in assessing the child's needs the local authority will need to consider whether the child might need to remain looked after once the remand has ceased. But where a child, including a child who is already looked after, is remanded to Youth Detention Accommodation, the local authority will be required to produce a Detention Placement Plan, describing the

arrangements for responding to the child's needs whilst they are detained. If the child receives a custodial sentence, the responsibility of the local authority will depend on the child's care status. For example, if the child is subject to a care order under section 31 of the 1989 Act, s/he remains looked after and there is no change to his/her legal status and the local authority continues to be responsible for planning and reviewing the care plan.

Each child detained in a secure setting through criminal justice legislation must have a sentence plan, supervised by the YOT case manager. Sentence planning serves a different purpose from care or pathway planning. The process is designed to plan the activities the child will engage in during his/her time in custody and, for sentenced children, on release into the community. It is aimed primarily at reducing the risk of (re)offending. Meetings are chaired by a YOT worker or a staff member from the establishment.

'Looked after Children and Youth Justice' Statutory Guidance



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Youth Justice[1].pdf