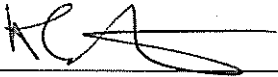


Haringey Council

Report for:	Overview and Scrutiny	Item Number:	
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Title:	Looked After Children (including the associated legal costs)
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Report Authorised by:	Kevin Crompton, Chief Executive 
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Lead Officer:	Debbie Haith Deputy Director; Children & Families Haringey Children & Young People's Service
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Ward(s) affected: All	Report for Non Key Decisions:
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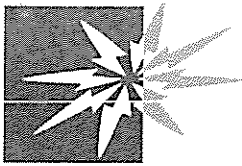
1. Describe the issue under consideration

1.1. Since 2008 CYPS has seen a very substantial increase in the number of children taken into care with an associated rise in legal fees. Scrutiny wishes to ensure that activity in this sensitive area is comparable with the costs and performance of our statistical neighbours and that avenues of reducing costs have been looked at.

2. Background information

2.1 Children's and Young Peoples Services have made considerable progress since the events of November and December 2008. At that time the safeguarding system in Haringey had failed. The processes for making decisions and assessing risk in relation to vulnerable children and young people were operating poorly. The service was subject to a full announced inspection of both Safeguarding and Looked After Children's Services in January 11. OFSTED adjudged the service to be adequate with good prospects for improvement, and the most recent unannounced inspection of Referral and Assessment Services in October found the service to be meeting its statutory requirements.

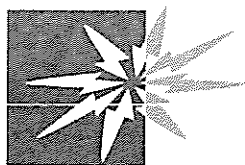
2.2 Decision-making at the front-end of the statutory social care system in Haringey is now judged as safe with appropriate assessment of risk. This has been demonstrated not only through OFSTED inspection but also through a range of independent audits conducted on behalf of the Council. As these improvements were taking place they were accompanied, not only in Haringey but across the



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whole of the country, by an increase in the number of contacts, referrals, assessments, children with child protection plans and looked-after children. An inevitable consequence of this increase in activity is an increase in the number of child care cases which require legal services involvement and resolution in the courts with the associated costs.

- 2.3 A fundamental element to ensuring the quality of practice and good outcomes for children and young people who are looked after is a stable well supported work force. In October 2010 the staffing establishment for the Looked After Children's Service was reviewed and increased in order to ensure there is sufficient experienced staff to ensure that children's case work services could meet the increased numbers of looked after children. In the last twelve months the service has reduced its dependency on temporary staffing from 50% to a situation where all front line vacancies will be filled by permanent staff by January 2012.
- 2.4 The high numbers of Looked After Children and in particular the rapid increase in numbers during 08/09/10 which were a consequence of improved multi agency safeguarding arrangements has brought considerable challenges to the range of services which are needed to support children and young people and those required to progress their care plans. The service has worked to improve the quality of care planning and placements and has had to reposition itself to meet the changed levels of need. The service has put in place an action plan to systematically progress the plans for children to ensure they are timely and this will impact on the numbers of looked after children whose plans will not require them to be Looked After in the long term. Two thirds of Looked After Children are subject of either full care orders or interim orders as part of care proceedings.
- 2.5 The budget for 11/12 was set at a point when the number of children had stabilised at around 600 for a number of months. In March, April and May, the numbers of Looked After Children again increased. The data in Table 5 shows this most clearly. The increase has resulted in a budget pressure in year of over £1m. The same table also shows that there is a currently a marginal downward turn on numbers.



3. Profile of Looked After Children

3.1. Table 1, shows the numbers of Looked After Children in Haringey at 31 March 2011 and benchmark data against our Ofsted Statistical Neighbours.

3.2. Table 1 Haringey Statistical Neighbour Data – Children in Care at 31/3 2010/11

	Number	Rate*
England	65520	59
Haringey	590	125
Croydon	845	104
Greenwich	590	109
Hackney	265	51
Hammersmith & Fulham	250	79
Islington	325	94
Lambeth	500	92
Lewisham	485	81
Southwark	520	94
Waltham Forest	310	56
Wandsworth	205	40
Average of Statistical Neighbours	430	80

*Rate per 10,000 population of children under 18 years of age.

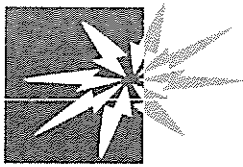
This data includes number Unaccompanied Asylum Seeking Children(UASC).

3.3 Tables 2 and 3 show the numbers of looked after children 2007-2011 and demonstrate that the profile in Haringey as been generally higher than statistical neighbours, but the rate of increase has slowed down significantly in 2010/11 data.

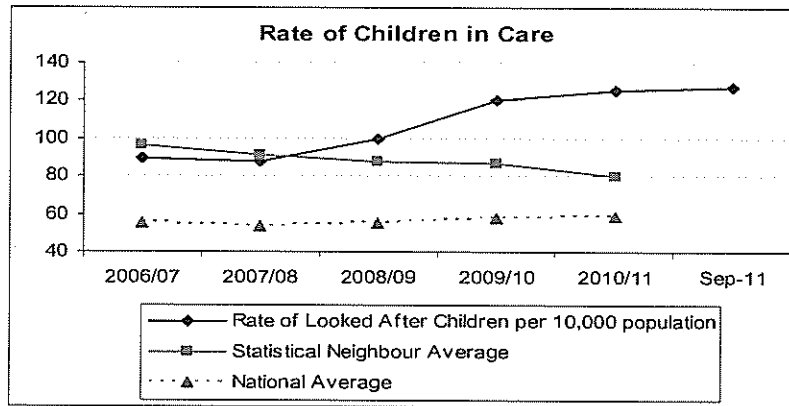
3.4. Table 2 Haringey Statistical Neighbour Rates* of children in care at 31 March 2010/11

	2007	2008	2009	2010	2011
England	55	54	55	58	59
Haringey	91	88	101	121	125
Croydon	125	132	134	125	104
Greenwich	101	99	101	112	109
Hackney	83	71	67	57	51
Hammersmith & Fulham	121	105	94	82	79
Islington	109	99	92	94	94
Lambeth	110	106	101	105	92
Lewisham	81	82	81	90	81
Southwark	114	104	97	100	94
Waltham Forest	63	61	63	62	56
Wandsworth	54	50	47	41	40
Average of Statistical Neighbours	96	91	88	87	80

*Rate per 10,000 population of children under 18 years of age



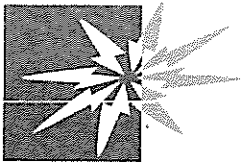
3.5. Table 3 Rate of Children in Care in Haringey 06/07 to September 11



3.6. Table 4 Age Profile of Children in Care Proportion of children in care by age at 31st March

	England 2009/10	London 2009/10	Haringey 2009/10	England 2010/11	Haringey 2010/11	Haringey 30/09/2011
Under 1	6	5	5	6	4	5
1 - 4	17	14	17	18	19	18
5 - 9	17	14	15	18	19	21
10 - 15	39	38	35	37	36	35
16+	21	29	28	21	22	20

This table demonstrates that although numbers in Haringey are comparatively higher than the age profile is in line with statistical neighbours.



3.7. Table 5 Looked After Children by Placement type

Type of placement	No at 30 Sep 10	No at 31 Dec10	No at 31 Mar 11	No at 30 Jun 11	No at 30 Sep 11	Change (last quarter to current)
Foster care (in-house)	179	178	185	200	197	-3
Foster care (external)	242	246	253	265	263	-2
Placed for adoption	5	10	12	14	13	-1
In-house residential	10	10	10	10	10	0
Independent residential	42	41	46	44	37	-7
Hostels & other supported placements	54	45	37	38	39	1
Residential schools	9	8	6	5	4	-1
Secure accommodation	0	1	5	4	2	-2
Other residential settings	10	4	9	10	9	-1
Placed at home	8	14	18	7	10	3
Other	9	3	2	2	4	2
Sub-Total	568	560	583	599	588	-11
Unaccompanied Minors	42	40	35	34	32	-2
Total	610	600	618	633	620	-13

Note 1: 'Other' could include hospital, young people in custody etc.

Note 2: The budget for unaccompanied minors is not included in the LAC placement budget figures above; budget and spending for this area is included within the Asylum projections

Note 3: In house residential – this is a snap shot on the date at which the information is collated and not the occupancy throughout the period.

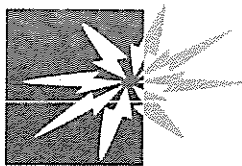
Note 4. Secure accommodation includes welfare and remands

4. Placement Costs

4.1 Current spend is on a range of provisions, accommodation and support packages which include the following:

- Foster care
- Children with complex needs including children with disabilities
- Residential Care
- Semi supported accommodation
- Accommodation for unaccompanied asylum seeking children
- Independent accommodation
- Residential Family Assessments

4.2 A Safeguarding Panel agrees and monitors decisions to accommodate children and consider planned proceedings. A weekly Resources Panel agrees placements. A Complex Needs Panel agrees placements and funding where a young person requires commissioned services from local authority, SEN and PCT budgets.



4.3. Table 6 Projected placement costs

Summary of LAC placements projected costs 2011-12 - as at September 2011		
Type of Placement	Number of Clients	Cost £
Foster Care (in house)	197	3,567,781
Foster Care (private and voluntary)	263	10,720,430
Placed for Adoption	13	0
in-house directly managed	10	1,748,045
Independent sector residential	37	5,044,941
Hostels and other supportive placements (Mainly semi-independent)	39	1,214,861
Residential Schools	4	568,684
Secure Accommodation	2	432,304
Placed at Home	10	
Other	13	360,000
Total	588	23,657,046
Budget		22,371,500
Projected overspend		1,285,546

Note 1: 'Other' could include hospital, in custody children mother and baby etc

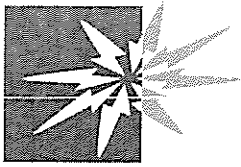
4.4. Table 7 Average unit cost (excluding overheads)

Cost per child/per week	2008/09 £	2009/10 £	2010/11 £
1) Children's homes			
Internal	2,541	2,887	2,598
external	2,056	2,333	2,384
Total	2,223	2,495	2,439
2) Foster care			
internal	393	403	407
external	769	808	796
Total	576	607	616

4.5 Range of placement costs external depend on age and complexity of need.

4.6 Internal foster care rates:
£377 per week - £437 per week depending on age/need. (This does not include kinship where a child is placed with friends and family and the children's element is paid)

4.7 External foster care rates
The range per week is £680 - £800, the average payment is £750.



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4.8 External placement rates

£2,000 - £3,500. The average is £2,663 per week. Cost can be in excess of this range e.g. secure accommodation.

4.9 The following section considers, based on the latest CIPFA benchmarking information for 2010/11, Haringey's performance on a range of measures against 6 comparator members of the Looked After Children benchmarking group. The comparison group comprises Greenwich, Islington, Lewisham, Wandsworth, Lambeth and Waltham Forest. The data excludes UASC. The number of LAC per 1000 of population aged 0-17 in Haringey is the highest of the group at 12.1 (Per 1000 pop.) against the group average of 8.9.

4.10 The key messages about the types of provision (and their relative costs) are shown below:

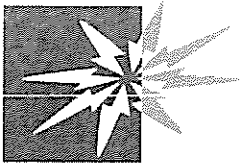
- Use of in-house children's homes is higher than the comparator group (2.5% of children c/w an average of 0.8%)
- Use of children's homes provided by others is lower than the comparator group (5.1% of children c/w an average of 8.2%)
- Use of in-house foster carers is in line with the comparator group (33.7% of children c/w an average of 34.9%)
- Use of external foster carers is in line with the comparator group (38.2% of children c/w an average of 39%)

Our internal foster carers demonstrate slightly higher than average cost, costs in respect of other foster carers is very close to the average.

5. Children's Legal Services

5.1 The number of active care proceeding cases in 2008/09 returned to 70-80 cases which had been the consistent average for many years after having dropped slightly in 2007 to 57.

5.2. In 2009/10 the number of cases increased throughout the year, from 129 cases on 1 April 2010 and by December 2010 had reached 150 cases. The next peak, August 2011 saw 166 cases, this figure has now dropped back to December 2010 figures of 150 cases. The overall legal cost of cases involving LAC has increased over the last couple of years but has currently stabilised.



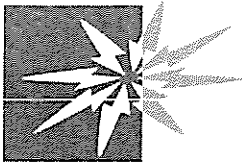
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5.3 Table 8 Activity costs associated with Care Proceedings (£'000) excluding expert costs, as derived from the legal case management system.

	2008-09	2009-10	2010-11	2011-12 (projected YE)
Internal charge	556	961	1,475	1,498
Counsel	194	390	890	634
Court Fees	110	310	446	425
External solicitors			8	
Transcribers			12	21
Courier	4	8	4	5
Other	1	14	6	5
Outsourced		403		
Total	865	2,086	2,841	2,588

The forecast spend for 2011/12 set out above only relates to child care proceedings. The total forecast spend relating to Legal Services for the entire Children's Service's department is approximately £4.1 million. This includes spend on employment, property, contracts and education matters. It also includes spend of approximately £0.6 million on experts. There is a forecast overspend relating to legal services of approximately £2 million for 2011/12. Management action has been taken to address this variance in the current financial year.

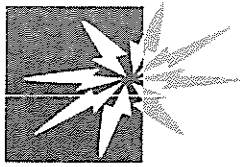
- 5.4 The steep increase in costs, between 2009/10 and 2010/11, was mainly due to an increase in the overall number of cases but to some extent was affected by court directed assessments which were previously paid for by Legal Services but then recharged. In addition, the full year impact of the increase of the court fees charged by the Ministry of Justice from 1 April 2008 was first seen in 2009/10, but it became more obvious with the increase in the number of cases. The fees were increased from £150 to £4,825 per case.
- 5.5 A number of care cases were outsourced to Islington Council in September 2008. All cases were taken back internally on 1 April 2010. The increase in workload in 2010/11 was absorbed within the establishment, with one additional legal assistant and one additional admin assistant.
- 5.6 The internal hourly charge rate had to be increased in 2010/11 to cover the increased cost of employing more senior and experienced staff who had a greater capacity to cover the additional workload. The expected yearly staffing cost of internal staff in Legal Services working with LAC cases, including admin staff, is £1,393,000.
- 5.7 The average cost of in-house cases is currently £23.5K, this includes a number of high cost cases, some costing £50K-76K. The costs in high cost cases are attributable to the number of hearings, the number of court directed assessments and the overall length of time the case is in court. The average cost of cases outsourced to Islington council was £46K.



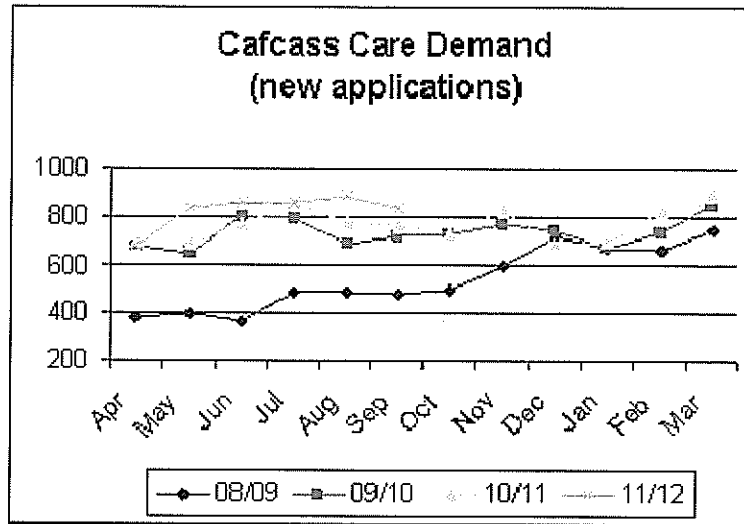
- 5.8 The overall associated legal costs of LAC include the costs of Counsel who represent the Local Authority at hearings in court when there is insufficient capacity available within the internal service or where the nature of the hearing is complex and requires a specialist advocate. Wherever possible hearings are covered at court by internal staff. The charge rates agreed between Counsel's Chambers and the London Borough of Haringey have not increased since they were agreed in 2007. The cost of counsel on a case is determined by the agreed charge rates multiplied by the number of hearings.
- 5.9 In relation to Counsel's fees the overall increase is attributable to an increase in the numbers of hearings on cases as well as the overall number of cases because the unit costs per hearing have stayed the same from 2007.
- 5.10 The Legal Services have the Law Society's Lexcel accreditation, which evidences compliance with the quality assurance standards of the profession both in relation to risk management and to customer care.

5.11 Table 9 CAFCASS (Child and Family Court Advisory and Support Service)2011 comparator data.

	08/09	09/10	10/11	11/12
Apr	380	682	693	675
May	399	648	686	832
Jun	369	801	773	857
Jul	485	791	848	860
Aug	492	687	776	886
Sep	483	723	757	835
Oct	496	725	730	
Nov	592	769	824	
Dec	719	743	689	
Jan	666	669	694	
Feb	659	735	824	
Mar	748	853	895	
Total	6,488	8,826	9,189	4,945



5.12 Table 10 Data for Care Proceedings Applications for England



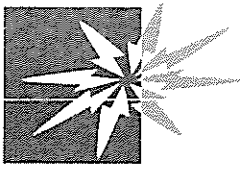
5.13 In 2011-2012: care application demand has remained at a very high level. Between April and September 2011, Cafcass received 4,945 new applications. This figure is 9.1% higher when compared to the same period last year. Applications received between May to September this year has been the highest ever recorded by Cafcass for these individual months. The figures for August 2011 are the second highest care applications ever recorded for a single month by Cafcass.

5.14 During 2010-11, Cafcass experienced a 4.1% increase in care applications with 9,189 new applications up from 8,826 in 2009-10, which itself saw a 36% increase on applications received in 2008-2009. Care application demand for all months during 2010-2011 have been the highest ever recorded by Cafcass for the individual months except June and December 10. March 2011 saw the highest ever number of care applications recorded in an individual month, with 895 applications.

5.15 This data demonstrates that what was experienced in March and April in Haringey as an increase in Looked After Children was slightly ahead of the trend across England.

6. Prevention and Early Intervention - Delivering Early Help

6.1 Against a backdrop of reductions in budget and pressures due to the numbers of looked after children, the medium to long term cost reductions will be realised by ensuring that prevention and early intervention services are able to identify and work effectively with vulnerable children and young people who might otherwise need higher cost statutory intervention. Over several years there has been an increased focus on early intervention and prevention within the family, recently reinforced by the Munro review of child protection, and Graham Allen's report on the benefits of early intervention. In line with our prevention and early intervention strategy we will work with partners to ensure that services are delivered in close to



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the point of need and the help provided with out the need for multiple assessments.

6.2 The children's service has responded to Rethinking Haringey by organising around and concentrating on its core priorities:

- Prevention and early intervention – providing early help
- Building capacity in schools and children's centres in order to improve attainment and life chances of children and young people and to support early intervention and continuing support for vulnerable children.
- Safeguarding our most vulnerable children and young people

6.3 The contribution of universal services and those managed and commissioned within the Prevention and Early Intervention business unit of the children's service will help to both reduce the flow of children and young people into the statutory social care system and to provide lower cost support to children with child protection plans and their families

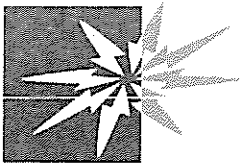
6.4 In order to achieve this the service have been putting in place strategies to:-

- Improve the quality and capacity of in-borough specialist provision so that fewer children require specialist out-borough placements;
- Support families so that where possible children and families are kept together and their needs identified and supported using the most effective evidenced based support and interventions.
- Contribute to the earliest identification possible of those children that do need to be taken into care to ensure that effective permanency planning is facilitated where necessary, and costly interventions are not maintained for long periods of time that delay, rather than prevent, a child who needs to be in care coming into care; and
- Focus targeted and specialist interventions on the most vulnerable children, young people and their families and to work with universal services to agree clear expectations on how they will support certain children and young people below the thresholds that these services.

7. Strategic approach to Cost Management.

7.1 An initial action plan was put in place for Children and Families in October 2010 to improve the use of resources. The aim of the plan was to increase the efficiency and quality of internally managed services, eliminate avoidable costs and develop a clearer commissioning strategy. This plan was in response to a need for the service to ensure that effective controls and management action is in place to manage business processes as part of the recovery and transformation of children's service's and control cost.

This action has produced a level of improvement which demonstrates that it is beginning to have an impact:



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- The balance between foster placements and other (mainly residential) placements has shifted from a position in April 2010 when the ratio was 75:25, and the current month where the ratio is now 80:20;
- A marginal shift in the balance between internal foster placements (which have increased by 18% between April 2010 and May 2011) and external foster placements which have increased by 14% over the same period; all of which have resulted in:-
 - A reduction in the aggregate unit cost which for 2010-11 was £911 but which is currently £833 (and below the target unit cost of £835 including).

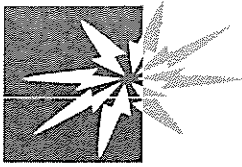
In addition, a "Transformation Board" has been put in place in order to draw together all the work streams contributing to the development plan for CYPS into a service that remains ambitious for all children, underpinned by timely delivery of early help and efficient use of resources.

To achieve these developments we are currently:

- Evaluating the cost and benefits of alternative placement options including the Council's own children's homes
- Seeking to maximise the use we make of internal services and to improve the management of commissioned services
- Strengthening our commissioning and procurement of placement services and support.
- Working with NLSA partners to realise the potential of sub regional commissioning – a full time category manager has been appointed for Looked After Children and SEN.
- Implementing a review of pre and post proceedings work flows to identify efficiencies and service improvements.
- Redesign services to deliver timely help and support
- Implementing an action plan to focus on progressing plans for children who require legal permanency through adoption and Special Guardianship, support and support children and young people moving from residential to family placements.
- Develop further the strategy around friends and family care to support children being cared for within their own families and communities.
- Increase the number of local foster carers

8. Comments of the Chief Finance Officer and financial implications

- 8.1 The forecast 2011/12 overspend of £1.286m relates to LAC placements only and does not take into account other parts of the Children and Families budget and of staffing pressures or the legal services budget pressure which is being managed outside of CYP. The forecast is consistent with that reported as part of the Council's budget management process.



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- 8.2 The service are taking management actions to deal with the financial pressure it currently faces and, in addition to the actions set out in paragraph 7 above, are looking to make other efficiencies and maximise grant funding to minimise the overspend. It is possible that a balanced position could be achieved at the year-end although clearly this cannot be guaranteed.
- 8.3 Members need to be aware also that budget savings have been pre-agreed by the Council of £1.98m and £0.74m in 2012/13 and 2013/14 respectively as part of the 2011/14 MTFP approved in February 2011. The transformation plan that the service are working on has these savings in mind and is planning to achieve them.
9. **Head of Legal Services and legal implications**
- 9.1 There are no additional comments from the Acting Head of Legal Services.