

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE– 8 MARCH 2022

CONTINUING CARE IMPLEMENTATION, ALLOWANCES AND EXPENDITURE

REPORT BY KATHRYN LINDSAY DIRECTOR – CHILDREN, FAMILIES AND JUSTICE

ABSTRACT

This report is to update members on the resource impact of the implementation of Continuing Care entitlement for eligible looked after children and young people. The report also seeks approval for the implementation of a consistent fee payable to all approved carers delivering continuing care placements. Report No. 235/18, highlighted the potential for additional budget pressures to arise from the introduction of young people's entitlement to remain in placement for longer. This report provides an update on the current position in relation to the implementation of Continuing Care in Angus.

1. RECOMMENDATIONS

It is recommended that the Policy and Resources Committee:

- (i) Note the content of this Report and the financial implications arising.
- (ii) Authorise the Director of Children, Families and Justice and the Director of Finance to write to COSLA highlighting the cost of implementing Continuing Care, and the projections for future years, to enable appropriate representations to be made to Scottish Government.
- (iii) Approve the proposal that carers providing a Continuing Care placement are paid a fee at the rate equivalent to that payable for level two foster care placements, plus the young person's allowance (minus the young person's contribution) from 1 April 2022.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the following outcomes contained within the Angus Community Plan 2017-2030 and the Tayside Plan for Children, Young People and Families.

- Children are given the best start in life.
- Physical, mental and emotional health and wellbeing is improved.
- There are more opportunities for people to achieve success.
- Our children and young people who experience particular inequalities and disadvantage will achieve health, wellbeing and educational outcomes comparable with all other children and young people.

3. BACKGROUND

- 3.1 Section 67 of the Children and Young People (Scotland) Act 2014 amended the Children (Scotland) Act 1995 and placed local authorities under a duty to provide continuing care in certain circumstances. Effectively this means that eligible young people have an entitlement to remain in their care setting up to their twenty first birthday. This is positive for some young people as it allows a more gradual transition into adulthood and a longer time to prepare for independence.

3.2 As laid out in Report No. 235/18, legislation came into effect on a gradual basis to allow local authorities to prepare for implementation. At the time, funding received from Scottish Government aligned to implementation was adequate to cover the anticipated costs during the first tranches of eligibility. However, each year the number of young people eligible for continuing care placements has grown and the additional funding provided by Scottish Government has not kept pace with this.

3.3 Our ongoing scrutiny of this area has highlighted an increase in requests from eligible young people to remain in placements, both in fostering and in residential services. As a result, there has been a significant and commensurate increase in expenditure to meet this demand.

4. CURRENT POSITION

4.1 Since 2018/19, the number of young people accessing continuing care placements has fluctuated from 11 young people in the first year to 19 young people in 2020/21. During 2021/22 17 young people have taken up their eligibility for Continuing Care.

4.2 Projections using the information about trends in uptake, increased entitlement, and current placement arrangements, it is anticipated that over the next two years an additional 25 young people currently looked after and accommodated by Angus Council will become eligible to access continuing care placements cross both in fostering and residential resources. Whilst not every young person will wish to exercise their eligibility for continuing care, we have seen an increase in uptake over time.

4.3 It is necessary that placements are provided under Continuing Care legislation in order to meet the Council's legal obligations to young people. The policy is also ethically consistent with the Council's role as corporate parents in promoting delivery of "The Promise", including the emphasis on young people having the opportunity to "stay put" and enjoy a sense of belonging to the families/carers they have grown up with.

4.4 The increased uptake and widened eligibility impacts on both the financial resource and on family placement resource capacity. As eligible young people remain in placements longer, capacity to place other children in internal fostering resources is reduced. Whilst this impact was anticipated, it has proven challenging to grow the availability of foster care placements to meet this additional demand. As a result, our use of externally commissioned provision has increased.

5. PROPOSALS

5.1 To ensure that the Council meet its legal obligations to eligible young people and can do so without drawing resources from other equally critical areas of service delivery, it is recommended that the emerging gap in funding for this statutory responsibility is highlighted. Therefore, members are asked to authorise the Director of Children, Families and Justice and the Director of Finance to write to COSLA highlighting the actual cost of implementing Continuing Care, and the projections for future years, to enable appropriate representations to be made to Scottish Government.

5.2 Foster carers who agree to provide a Continuing Care placement receive payment for provision of the placement. Fee rates are kept under review in consultation with foster carers and in line with our recent consultation, it is recommended that a consistent fee rate be applied to all Continuing Care placement providers for placements initiated from 1 April 2022.

5.3 It is further recommended that this fee should be payable at the rate equivalent to that approved for a level 2 foster carer. This fee is separate to the young person's allowance (minus the young person's contribution) which will not be impacted. This recommendation is a clarification of the application of the currently approved fee structure to continuing care placements and has no further budget implications.

6. FINANCIAL IMPLICATIONS

6.1 The funding allocated to Angus Council by the Scottish Government for the implementation of continuing care eligibility is £206k for financial year 2022/23, although this can fluctuate slightly on an annual basis. The table below outlines our spend to date and our forecast spend for 2022/23 based on our current placements and projections. The costs related to eligibility for

Continuing Care have risen significantly in the last couple of years and now considerably exceed the financial allocation.

Table 1 - Continuing Care Spend and Demand		
Year	Spend	No. of young people exercising eligibility
2018/19	£99,504	11
2019/20	£90,238	9
2020/21	£287,396	19
2021/22	£600,939	17
2022/23	£836,869	Not Known

Please note that the final two rows are full year projections based on current numbers of eligible young people and their current placement profile taken together with the number of looked after and accommodated children and the anticipated rate of continuing care uptake. These figures are indicative.

The proposals at 5.2 and 5.3 above relating to the standardisation of the fee rate is a clarification of the application of the currently approved fee structure to Continuing Care placements and has no further budget implications.

7. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been completed.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Eunice McLennan. Service Leader Children, Families and Justice

EMAIL DETAILS: PEOPLE@angus.gov.uk



Equality Impact/Fairer Scotland Duty Assessment Form

Name of Proposal

CONTINUING CARE ALLOWANCES RATE

Is this only a **screening** Equality Impact Assessment No

If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes

Is this a Fairer Scotland Duty Assessment No

If you have answered Yes to either or both of the above, continue with Step 3.

Step 3

(i) Lead Directorate/Service: Children, Families and Justice

(ii) Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

Children and Young People (Scotland) Act 2014

(iii) What is the aim of the proposal? Please give full details.

The aim is to update members on the implementation of continuing care legislation, the budget spend and to request approval to pay foster carers an agreed continuing care fee.

(iv) Is it a new proposal? yes

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees /No

Job Applicants /No

Service users Yes/

Members of the public /No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data NA

Internal consultation - Consultation with foster carers and staff

External data National guidance for Part 11 of the Children and Young People (Scotland) Act 2014

External consultation NA

Step 6: Evidence Gaps

Are there any gaps in the equality information you currently hold? /No

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age – Impact - Positive for young people age 16-21

Disability Impact Neutral

Gender reassignment Impact Neutral

Marriage and Civil Partnership Impact None

Pregnancy/Maternity Impact Neutral

Race - (includes Gypsy Travellers) Impact Neutral

Religion or Belief Impact Neutral

Sex Impact Neutral

Sexual orientation Impact Neutral

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

Discussions have taken place with foster carers and young people who are involved in the scheme

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

Ongoing consultation and further reviews as necessary

Step 10: If a potentially negative impact has been identified, please state below the justification.

N/A

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

It promotes continuing care and consistency for care experienced young people.

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

No

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

Through ongoing implementation and feedback from carers and young people

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

On the website as part of committee papers

Step 16: Sign off and Authorisation.

Prepared by: Eunice McLennan, service leader

Reviewed by: Kathryn Lindsay, Director

Approved by: Kathryn Lindsay, Director