

## **Out of area placements: LGA protocol**

### **Purpose of report**

For information.

### **Summary**

This report updates the board on the LGA's development of a protocol relating to out of area placements.

### **Recommendation**

That members note the report and comment on the proposed next steps.

### **Actions**

Officers to note comments and take action as directed

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## **Out of Area Placements Protocol**

### **Initial investigation**

1. Since 2018, the LGA has been aware of an increasing number of concerns being raised by its member councils relating to out of area placements. The key driver of these placements is accommodation becoming more unaffordable in high-value areas. Local government is not the source of this problem; however, councils do have a key role to play in working together to ensure that moves which do take place are appropriate and handled well by both placing and receiving authorities.
2. In 2018 we commissioned an investigation into the scale and nature of issues related to out of area placements. The report found that the number of placements by homelessness services was growing, and that there was an unquantifiable number of Children in Need moves. We also found that communications between placing and receiving councils were often poor, and that families placed out of area could face difficulties relating to gaps in support.
3. The report presented some potential options for sector-led improvement, with a view to improving outcomes for households placed out of area and resolving tensions between councils:
  - 3.1 A National Protocol for Out of Area Homelessness and Children's Services Placements
  - 3.2 A disputes resolution process
  - 3.3 An online system for consistent and comprehensive notifications and information sharing
  - 3.4 Support for groups of councils to work together to monitor placements and avoid competing with each other for accommodation with the risk of pushing up prices.

### **Development of a protocol**

4. Based on this investigation, in March 2019 EEHT lead members supported a recommendation that the LGA sought to develop a sector-led protocol, accompanied by a dispute resolution process.
5. The aim of the protocol would be to mitigate the impact of out of area placements on households, improve communications between councils making and receiving placements, and allow for the resolution of disputes between local authorities concerning placements via an independent mediator. It would seek to add value by working with or building on existing law and guidance rather than duplicating it, and would therefore represent a bigger change in practice for Children's Services than for homelessness services.

6. We appointed an independent homelessness and temporary accommodation expert to own the process of developing a draft protocol in discussion with partners, reporting into the Local Government Association and a partnership working group. This group included homelessness and children's services representatives from councils that made and received placements, London Councils, the Association of Directors of Children's Services, and the Ministry of Housing, Communities, and Local Government.
7. The independent expert facilitated several meetings of the working groups and various subgroups over 2019 and early 2020, in addition to bilateral meetings with key councils or council networks. This has resulted in a final draft protocol and annexes, which have been checked by a legal adviser and are now ready to go out to wider consultation. The draft documents have been attached to this paper as an Annex.

### **Next steps**

8. The protocol and its annexes will be published for a six-week consultation in January 2021 (subject to SMT approval). The consultation will be primarily aimed at councils, although respondents from the wider homelessness and children's services sectors might also wish to respond. We have secured the support of London Councils and the Association of Directors of Children's Services in promoting this consultation.
9. The EEHT board has also agreed to a programme of engagement with council chief executives and leaders, to encourage councils to formally sign up to the voluntary protocol. We will work with the LGA's regional teams to plan this engagement, with a view to holding meetings over Spring 2021.

### **Implications for Wales**

10. Homelessness is a devolved responsibility of the Welsh Assembly Government, and main implications of the protocol are for English local authorities.

### **Financial Implications**

11. The LGA has funded the development of protocol through its Memorandum of Understanding with MHCLG.

### **Next steps**

12. Members are asked to note and comment on the proposed next steps.