

London Borough of Enfield

Portfolio Decision of Cabinet Member for Children's Services, Education and Protection

Subject: Loft Conversion and Home Extension Policy for Foster Carers

Cabinet Member: Cllr Mahtab Uddin

Executive Director: Tony Theodoulou, Executive Director of People

Key Decision: KD5202

Purpose of Report

1. This report seeks a Cabinet Portfolio Decision on a new Loft Conversion and Home Extension Policy for foster carers.

Proposal(s)

2. It is proposed that the new Loft Conversion and Home Extension Policy for Foster Carers is approved by the Cabinet Portfolio Holder and adopted by Enfield Council.

Reason for Proposal(s)

3. On 3 February 2021, Enfield's Fostering Service received approval from Cabinet for use of up to £270k in 21/22 and £210k per year from 22/23 to 2029/30 as part of the Council's 10-year Capital Finance Programme (Key Decision 5202), to support foster carers to extend their homes to take on an additional placement.
4. This budget is referred to in the new Loft Conversion and Home Extension Policy for foster carers as the "Additional Bedroom Grant". The purpose of the scheme is to support a limited number of foster carers each year, to extend their homes to increase the number of bedrooms, in order to provide an additional placement to a looked after child or young person in Enfield. In turn, reducing the need, wherever possible, to approach costly independent fostering agencies.
5. This policy sets out the framework to ensure the "Additional Bedroom Grant" can be effectively implemented, over the lifecycle of the scheme.

Relevance to the Council Plan

6. The Council constantly strives to enhance the support that our looked after children and young people receive. This is crucial to supporting **safe, healthy and confident communities** throughout the borough.
7. The Loft Conversion and Home Extension Policy for foster carers will also assist the Council in its objective to be a **Modern Council**, which **targets resources smartly**, by providing a framework to ensure the Additional Bedroom Grant can be effectively implemented. Therefore, supporting the Fostering Service to maximise its internal resources, by reducing the need to commission costly independent fostering agencies, wherever possible.
8. Finally, through this initiative we will be supporting **good homes** in the borough, through increasing the size of several foster carers' homes each year for the duration of the scheme. This will enable them to provide an additional placement to a looked after child or young person in Enfield.

Background

9. While we do everything that we can to support families to care for their children within their own family networks, sometimes this is not possible, and children and young people need to become looked after. As a Corporate Parent, we have a duty to provide our looked after children and young people with good quality foster placements, where their overall needs will be met.
10. The local authority has seen an increase in the number of children in care, which means a heavier demand being placed on the Council to provide suitable foster placements. Due to this demand, it is often necessary to commission external agencies to provide placements for our children and young people, which adds to the financial pressure faced by the Council. The average cost of placing a child with an independent fostering agency carer is £800 per week, and the average cost of placing a child with an Enfield Council approved foster family is £400 per week.
11. As a result, a budget of £1.740m was approved by Cabinet in February 2021, as part of an invest to save initiative. The funding will be available as part of the Council's 10-Year Capital Programme between 2020/21 to 2029/30 and will provide around 3-4 existing foster carers each year the opportunity to extend their homes. This extended space in our existing foster carers' homes will result in additional placements being made available for our children and young people at the point when placements are requested. This will result in significant savings to the Council.
12. The initiative and supporting budget were approved at Cabinet in February 2021. Prior to this, foster carers who were identified as owner-occupiers were contacted by their fostering Supervising Social Worker to explore initial interest in the scheme. This early communication was carried out in December 2020 and 11 foster carers expressed their interest. Further consultation on the draft policy was not required.
13. In order to effectively implement this scheme, the Loft Conversion and Home Extension Policy for foster carers has been developed.

Main Considerations for the Council

14. The new Loft Conversion and Home Extension Policy for foster carers sets out a detailed framework to ensure the “Additional Bedroom Grant” can be effectively implemented, over the lifecycle of the scheme.

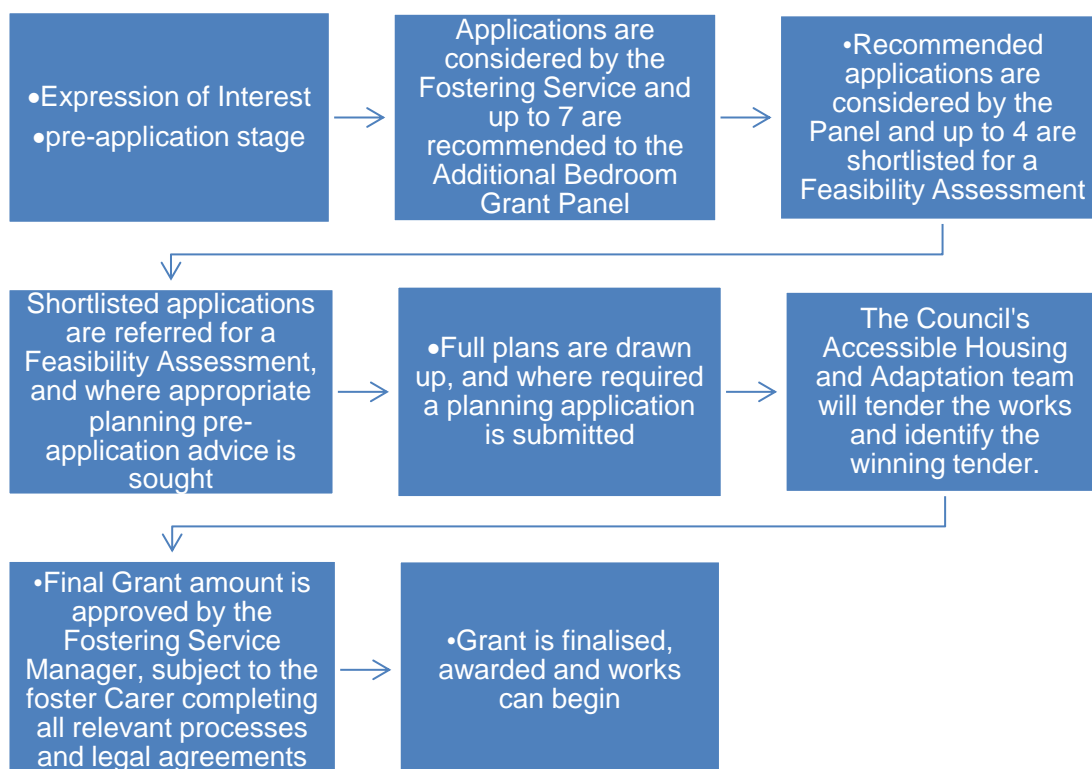
- **Eligibility and application process**

15. The policy establishes a clear eligibility criterion, which includes a requirement to be an approved Enfield Council foster carer; and a commitment to consistently provide an additional fostering placement for a minimum of 5 years. Furthermore, foster carers are required to be the owner-occupier of their home (please see page 3 of policy for the full eligibility criteria).

16. The policy sets out a fair and transparent application and award process, which puts the needs of looked after children and young people in Enfield at its heart.

17. As part of this process, a newly established Additional Bedroom Grant Panel will be responsible for shortlisting the applicants ahead of a Council appointed Feasibly Assessment at the foster carer’s home. The purpose of the visit is to: assess the feasibility of gaining an additional bedroom at the property; what options might exist; and to provide a provisional estimate of costs based on initial drawings.

18. An overview of the application and award process is detailed below:



- **Grant Award and Conditions:**

19. A grant will only be awarded once a foster carer has successfully advanced through all stages of the application process and all relevant checks and legal agreements have been completed. The Council will release the funds directly to the contractors and other professionals at the necessary stages.
20. The policy provides a clear outline of the grant's conditions and uses, to ensure the Council responsibly safeguards the funds invested and achieves the intended placement outcomes for our looked after children and young people.

- **Internal Grant Management**

21. Enfield Council's Accessible Housing and Adaptations Team are responsible for internal project management and delivery of the Additional Bedroom Grant, on behalf of Enfield's Fostering Service. This includes:

- Commissioning professionals and contractors to deliver all stages of the works in full, in compliance with the Council's [Contract Procedure Rules \(CPRs\)](#), financial regulations and relevant Council policies.
- Identifying the tender(s) providing the best value for money, ensuring works are delivered within the agreed budget and specification.
- Working with the foster carer to ensure they are kept up to date and are included in decision making (where appropriate).
- Ensuring all invoices and payments are appropriately managed.

22. The Accessible Housing and Adaptations Team have been identified, due to their expertise and experience in successfully delivering grant management within the context of building adaptations, extensions or conversions. The service charges a fee of 10% of the total cost of the works per scheme, which will be included in the final grant amount. Utilising an internal grant and project management approach, helps the Council to mitigate potential financial and reputational risk, by ensuring each building scheme is delivered as efficiently as possible, and to the required standards.

- **Engagement**

23. The Loft Conversion and Home extension Policy for foster carers has been developed with the expert advice of relevant services in the Council. This includes Procurement Services; Housing & Regeneration (Accessible Housing and Adaptations Team), Planning Services (including Strategic Planning and Design, and Building Control); Legal Services; and Finance.

24. In addition to this engagement, the Corporate Strategy Service has also attended the Fostering and Permanence Service Meeting to gain vital feedback to enhance the draft policy.

- **Key indicators of success:**

25. The key indicators of success for Enfield's Loft Conversion and Home Extension Policy for foster carers are as follows:

- The Council has successfully increased the capacity of between 2-4 foster families per year and they are providing at least one additional foster placement each.
- Foster families who are awarded the grant, continue to provide high standards of care and an additional placement(s) for at least 5 years (from the start date of the additional placement, made possible by an Additional Bedroom Grant).
- The Council has reduced its use of independent fostering agencies and increased the number of looked after children and young people who are placed with our existing foster families in the borough.

Safeguarding Implications

26. The new Loft Conversion and Home Extension Policy for foster carers will operate in accordance with the Council's relevant policies and safeguarding practices.
27. Foster carers wishing to apply for the grant must first complete the Pre-Application stage, where their eligibility for the Loft Conversion and Home Extension Scheme and their suitability to take on an additional placement is discussed with their Supervising Social Worker. Before a formal application is submitted for the grant, the Fostering Service Manager will also ensure the Grant Eligibility Criteria are met and will decide on the foster carer's suitability to take on an additional placement, in accordance with the Change of Approval Process.
28. Under the Grant Eligibility Criteria, foster carers wishing to apply for the Additional Bedroom Grant must be approved to foster by Enfield Council's Fostering Panel; and have at least 1-year of post approval experience caring for an Enfield looked after child or young person with no safeguarding or standard of care issues.
29. Furthermore, the Loft Conversion and Home Extension Scheme for foster carers operates in accordance with the usual fostering limit, set under [Schedule 7 of the Children Act 1989](#). This means foster carers that already have 3 bedrooms available in their homes for placements, will not be eligible to apply for the grant.
30. The Council has committed to the Co-operative Party's Charter Against Modern Slavery. The policy states that the Council will only work with suppliers who ensure it can meet the commitments of this charter.

Public Health Implications

31. With the introduction of this policy, Enfield Council can support more children and young people to live and thrive within the care of our approved foster carers, and we can more effectively deliver the essential service of protecting and supporting vulnerable children and young people within Enfield. This is

an essential part of our work to support safe, healthy and confident communities throughout the borough.

Equalities Impact of the Proposal

32. The new Loft Conversion and Home Extension Policy for foster carers applies to all foster carers, and the Additional Bedroom Grant is open to all foster carers that meet the grant eligibility criteria and suitability to take on an additional placement, regardless of their protected characteristics.
33. A detailed Equality Impact Assessment (EqIA) has been developed alongside the new policy, in order to assess its impact on each protected characteristic, and the socio-economic impact of the policy. Where necessary the mitigating actions, are detailed. Please see appendix 2.

Environmental and Climate Change Considerations

34. The Council is committed to a carbon neutral Enfield by 2040. Where applicable works are undertaken as part of this scheme, these will need to meet the relevant Building Regulations and planning policies in respect of energy efficiency and sustainability; and where possible, opportunities will be explored through the design and building specifications to enhance the energy efficiency and sustainability of the spaces, whilst also being mindful of potential opportunities to support future proofing.
35. This Policy will ensure the Additional Bedroom Grant can be effectively implemented. In turn, this will support the Council to provide placements locally to our looked after children and young people. In doing so, they will be able to continue to attend local schools and health services, within the locality of their placement.

Risks that may arise if the proposed decision and related work is not taken

36. The Loft Conversion and Home Extension Policy for foster carers provides a framework for the effective implementation of the Additional Bedroom grant budget. This policy is required by the Council in order to draft up the relevant legal agreements needed to implement the scheme.
37. If the decision is not taken to approve and adopt the policy, the scheme cannot be implemented. As a result, the anticipated savings will not be achieved, adding to the financial pressure faced by the Council at this time.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

38. **Grant Management:** To mitigate potential financial and reputational risk, the Council will utilise an internal grant and project management approach. This will ensure each building scheme is delivered as efficiently as possible, and to the required standards. The Accessible Housing and Adaptations Team have been identified as the most appropriate team to provide this service, due to their existing expertise and experience in successfully delivering grant

management within the context of building adaptations, extensions or conversions.

39. **Property suitability:** It is possible that a foster carer's property may not be suitable for an additional bedroom to be constructed. To help mitigate this risk, the Council will arrange for a Feasibility Assessment to be carried out at the homes of shortlisted foster carers. The purpose of this visit will be to assess the feasibility of gaining an additional bedroom at the property; what options might exist; and to provide a provisional estimate of costs based on initial drawings. Where appropriate, a the Council will also arrange for a professional to seek planning pre-application advice on behalf of the foster carer. This process is carried out before the grant is awarded.
40. **Grant conditions:** There is a financial risk faced by the Council if a foster carer withdraws from the process after the award of the grant, or if a foster carer is deregistered or no longer able to provide the ongoing additional placement within their family during the 5-year commitment. To mitigate the financial risks faced by the Council, foster carers will be required to repay the Additional Bedroom Grant in full, if they withdraw at any point from the award of the grant and within 1 year from the start of the additional placement; or on a decreasing scale if they are deregistered (as a result of resignation or Fostering Service decision); or are no longer able to provide the ongoing additional placement within their family, over the five year commitment period. As set out in the policy, foster carers are required to enter into the relevant legal agreements in order to receive the grant. This includes agreeing to a legal charge being placed on the property for the duration of the 5-year commitment, commencing at the point the grant is awarded. To ensure foster carers fully understand the conditions of the legal charge, they are required to seek independent legal advice. This will be reimbursed up to the cost of £300+VAT. Details relating to the grant conditions and repayment (should this be required) can be found on pages 10-11 of the policy.

Financial Implications

41. Budget & Funding -This scheme is requesting £270,000 for 2021-22 and is fully funded from borrowing. The purpose of the scheme is to support a number of Foster Carers to extend their homes and increase the number of bedrooms in order to provide additional placement provision to a child or young person.
42. Revenue – In delivering this scheme there will be a reduction in financial costs and need to approach costly independent fostering agencies.
43. Debt – There is no additional impact on debt.
44. Taxation – No VAT issues.

Legal Implications

45. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous

improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

46. The Council also has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation. This includes, pursuant to section 1(4):
 - (a) power to do it anywhere in the United Kingdom or elsewhere,
 - (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
 - (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
47. A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. The Council, moreover, has power under s.111 Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions (which would include childcare functions). The recommendation within this report is in accordance with these powers.
48. The functions of the local authorities in relation to children who are 'looked after' are set out in the Children Act 1989 and associated regulations and guidance. Section 22(3) of the Children Act 1989 sets out the general duty of the local authority looking after a child to safeguard and promote the welfare of the child. Section 22A imposes a duty on the responsible authority when a child is in their care to provide the child with accommodation.
49. When considering the applications, the Council must have regard to Schedule 7 Children Act 1989 provision relating to the usual fostering limit, including any exemptions, such as when the children concerned are all siblings with respect to each other.
50. Public law principles will apply to the decisions made by the Council, including the Council's duty to take account of its fiduciary duty and to act prudently with public monies entrusted to it. The Council is also under a general duty to act reasonably and show that its decisions are made after having given due and proper consideration to all relevant factors. In this respect, it is noted that the Council will follow the Loft Conversion and Home Extension Policy for foster carers, so as to guide the applications process and to ensure a consistent approach is followed, thereby ensuring transparency and fairness in decision making. Furthermore, the moneys agreed for each grant will need to be protected via agreement with the legal owners and a charge placed on the legal title of each property, so as to ensure the debt to the Council is secured.
51. The Council has power to provide assistance as regards living accommodation, pursuant to Article 3 of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the 2002 Order). This includes power under section (1) (b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of any thing or injection of any substance, or otherwise).

52. Article 3 of the 2002 Order stipulates that assistance may be in any form and may be unconditional, or subject to conditions and security. Furthermore, it prescribes various conditions in exercising the power, including pursuant to section (5) to –

- (a) give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject; and
- (b) satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

53. Articles 4 and 5 of the 2002 Order stipulate additional conditions that the Council will need to adhere to in respect of the proposed grants. These requirements are as follows:

Article 4 - A local housing authority may not exercise the power conferred by article 3 in any case unless—

- (a) they have adopted a policy for the provision of assistance under that article;
- (b) they have given public notice of the adoption of the policy;
- (c) they have secured that—
 - (i) a document in which the policy is set out in full is available for inspection, free of charge, at their principal office at all reasonable times; and
 - (ii) copies of a document containing a summary of the policy may be obtained by post (on payment, where a reasonable charge is made, of the amount of the charge); and
- (d) the power is exercised in that case in accordance with that policy.

Article 5 – (1) A local housing authority may not provide assistance for a purpose specified in article 3(1)(b), (c) or (d) unless they are satisfied that the owner of the living accommodation concerned has consented to the carrying out of the assisted work.

54. Prior to start of works, checks will be needed with the Local Planning Authority as regards the need for planning approval (or whether permitted development rights can be relied upon, under the Town and Country Planning (General Permitted Development) (England) Order 2015), as amended, plus necessary consents organised pursuant to the Building Regulations 2010 and the Party Wall etc. Act 1996.

55. The Council has a general duty under section 149(1) of the Equality Act 2010 (the Equality Act) to have due regard, in the exercise of its functions, to the need to:

- (i) Eliminate unlawful discrimination, harassment, victimisation and any conduct prohibited by the Equality Act;
- (ii) Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- (iii) Foster good relations between people who share a protected characteristic and people who do not share it.

56. The procurement of works and professional services should be carried out in compliance with the Council's Contract Procedure Rules (CPR) and the Council's obligations relating to the obtaining of best value under the Local Government (Best Value Principles) Act (1999).

57. The Council must further ensure that all legal agreements entered into in consequence of the approval of the proposals set out in this report must be approved by Legal Services on behalf of the Director of Law and Governance.

(Legal Implications provided by EM and EP based on the version of the report circulated on 03/09/2021 14:29)

Workforce Implications

58. There are no workforce implications within this report.

Property Implications

59. There are no property implications within this report.

Other Implications

60. None

Options Considered

61. One other option was considered for the procurement of contractors. Under this option, foster carers would be required to identify contractors and seek out 3 quotes. This option presented greater risks both to the Council and our foster carers. Subsequently, the decision was made to internally project manage the delivery of the grants and the procurement of contractors. In doing so, the Council can better ensure projects are completed efficiently, within budget and to the required specification. Therefore, minimising potential financial and reputation risk to the Council, and importantly making the process as straightforward as possible for our foster families.

Conclusions

62. The new Loft Conversion and Home Extension Policy for foster carers enables the Council to effectively implement its scheme to increase the number of high-quality placement opportunities in the homes of our existing foster families, through the creation of additional bedrooms. This in turn will reduce the need to commission costly independent fostering agencies, wherever possible, resulting in a significant saving to the Council.

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Appendices

- Appendix 1 – Loft Conversion and Home Extension Policy for Foster Carers
- Appendix 2 – Equality Impact Assessment (EqIA)

Background Papers

The following documents have been relied on in the preparation of this report:

- The Council's 10-Year Capital Programme Monitor Period 8 (November) 2020 report can be found [here](#)