

The Sufficiency Duty in relation to Accommodation for Looked After Children



RELATED GUIDANCE

[Sufficiency: Statutory Guidance on Securing Sufficient Accommodation for Looked After Children \(2010\)](#)

This chapter was incorporated into the manual in October 2011 to take account of the above Guidance.

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1. What is the Sufficiency Duty?

Each Local Authority providing children's services must now take steps that secure, so far as reasonably practicable, sufficient accommodation within its area to meet the needs of children that it is looking after and children whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation in the local authority area. This is referred to as 'the sufficiency duty'.

The sufficiency duty, therefore, applies in respect of all children who are **Looked After**. However, it also applies to **Children in Need** who are at risk of care or custody (sometimes referred to as children 'on the edge of care'). This acknowledges the importance - both for improving outcomes for children and in having sufficient accommodation to meet their needs - of taking earlier, preventive action to support children and families so that fewer children become Looked After.

From April 2010, local authorities had to include in relevant commissioning strategies their plans for meeting the sufficiency duty.

From April 2011, working with their Children's Trust partners, local authorities must be in a position to carry out the sufficiency duty.

2. The Most Appropriate Placement

Children should not be moved from out of authority placements for the sole purpose of meeting the sufficiency duty if their needs are being met by the existing range of services.

The overriding factor is that the placement must be the most appropriate placement available. Next, preference must be given to a placement with a friend, relative or other person connected with the child and who is a local authority foster carer. Failing that, a placement must be found, so far as reasonably practicable in all circumstances, that:

- Is near the child's home;
- Does not disrupt his/her education or training;
- Enables the child to live with an accommodated sibling;
- Where the child is disabled, is suitable to meet the needs of that child; and
- Is within the local authority's area, unless that is not reasonably practicable.

There is no order of priority within the categories listed in the bullet points above. All of these are factors that have to be taken into account. For example, if placing a child within his/her area conflicted with placing him or her near home or with a sibling, or which disrupted his/her education, the local authority could justify placing the child out of area if this met his/her needs more effectively than a placement within the area.

For the majority of Looked After children, the 'most appropriate placement' will be within the local authority area. For those children who require highly specialist services, or children for whom there is a safeguarding issue, it may be more appropriate for them to be placed in a neighbouring local authority area.

When making decisions about the most appropriate placements for children requiring more specialised provision, the issue of proximity to the home area must be considered, alongside the other factors set above. Wherever possible, children requiring such provision should be placed as close to their existing family networks and support systems as is possible and appropriate.

If challenged by a child, family, social worker, **Children's Guardian, Independent Reviewing Officer (IRO)** or other advocate, a local authority should be in a position to demonstrate how, working with its Children Trust partners, it has done all that is reasonably practicable to secure sufficiency. Plans should be documented and published, within the commissioning strategy or the Children and Young People's Plan, to allow scrutiny and challenge.

3. How can 'Reasonably Practicable' be Assessed?

The sufficiency duty is a general duty that applies to strategic arrangements rather than to the provision of accommodation for a particular, individual child. Local authorities must be able to show

that - at strategic level - they are taking steps to meet the sufficiency duty, so far as is 'reasonably practicable'

It should not be assumed that it is 'not reasonably practicable' to secure appropriate accommodation simply because it is difficult to do so or because the authority does not have the resources to do so. Any constraining factors should not be taken as permanent constraints on the local authority's requirements to comply with the sufficiency duty.

In assessing whether they are doing all that is 'reasonably practicable' to secure sufficiency, there are a number of factors which local authorities, working with their Children's Trust partners, may wish to take into account, for example:

- Current progress within an effective, phased programme to meet the sufficiency duty;
- The number of children for whom a local placement is not consistent with their needs and welfare;
- The extent to which local universal services meet needs;
- The state of the local market for accommodation, including the level of demand in a particular locality and the amount and type of supply that currently exists;
- The degree to which they are actively managing this market;
- The resources available to, and capabilities of, accommodation providers (where 'resources' means not just the available funding but also staff and premises, and 'capabilities' includes experience and expertise); and
- The Children's Trust's resources, capabilities and overall budget priorities.