



ALL PARTY PARLIAMENTARY GROUP FOR  
**CHILDREN**

# No Good Options

Report of the Inquiry into Children's Social Care in England



National Children's  
Bureau

March 2017

# Foreword by Tim Loughton MP

Our society should be judged on how we treat our most vulnerable members. In every part of the country there are children in need of support. Children whose own parents are struggling to look after them; children at risk of abuse or sexual exploitation; and children with disabilities. Even when national and local government face tough economic decisions, as they do today, we must never waver in our determination to reach out to every child who needs our help.

Children's social care teams never have an easy job. They step in where other services can't. They work with children who have been let down by other adults, and families at breaking point.

Recently though, the challenge has taken on a whole new dimension.

We know demand is growing. The exposure of horrific crimes, such as sexual exploitation in Rotherham and elsewhere, has led to greater awareness and referrals. This is a good thing. More children at risk are coming to the attention of professionals.

Nonetheless, the impact on resource is significant. Overall, the number of children on a child protection plan rose by almost 30 per cent between 2010-11 and 2015. In the same period, the number of children taken into care rose by more than 17 per cent. Simultaneously of course, resource is shrinking. Local authorities increased expenditure on children's social care by just over two per cent between since 2010, during which time their overall expenditure reduced by more than 21 per cent.

Inevitably, the available resource is being spent disproportionately on children most at risk of harm. Unfortunately, the Inquiry heard that across the country, there is insufficient resource for universal services, early help for families, and even statutory support for children classified as "in need". Strikingly, in a survey conducted for the Inquiry, 89 per cent of directors of children's social services reported finding it increasingly challenging to fulfil their statutory duties under Section 17 of the Children Act 1989.

Alongside evidence of the funding challenge facing local authorities, the Inquiry heard evidence of substantial variations in local policies and in outcomes for children. Perhaps most strikingly, the proportion of children in local authority care ranges from just 22 per 10,000 to 164 per 10,000. Moreover, this and similar variations are only partially explained by differences in deprivation.

The Inquiry concludes that there is a crucial role for central Government in tackling two major issues: First, it must act to address the funding crisis engulfing children's social care, and in particular the lack of resource for preventative and early intervention services. Second, it must take steps to understand the cause of such significant variation in access to services and the impact on vulnerable children's outcomes. Notably, although innovation is essential, and should be encouraged, the Government was wrong to seek to exempt local authorities from statutory duties. This would risk entrenching and legitimising the existing postcode lottery and we therefore welcome the last minute change of heart in the Children & Social Work Bill.

Another important finding from our Inquiry is that far too often children and young people are not given the opportunity to make their views heard. It's high time we made clear that participation isn't just an optional extra, but an essential requirement.



**Tim Loughton MP**



# Executive Summary

Over the past five years, demand for children's social services has increased, while local authorities' overall spending power has decreased. There is also evidence that the nature of need has shifted, with much greater focus on issues such as radicalisation and child sexual exploitation.

This Inquiry has brought together evidence about the current resourcing of children's social services and changes in the nature and level of demand, to improve our understanding of the challenges facing under-performing children's services, and how to address them.

The Inquiry has identified key areas in which improvement is essential, if children's services are to reach all children and young people in need of support.

## (i) A system struggling to meet demand

Local authorities are too often failing to reach children and families who need help, whether through early intervention services, statutory support for 'children in need', or statutory support for children in care.

The Inquiry heard repeatedly that increasing resource is being directed towards children who have already suffered abuse or neglect, or those at high risk of harm. Correspondingly, fewer resources are allocated for early intervention and prevention, including support for families. The result is a shift towards late intervention, where needs have often escalated significantly before any support is put in place. This often results in more children being taken into care, and ultimately in poorer outcomes for children and families.

Strain on resource is a key limitation in meeting children's needs. However, in reality, children's services cannot be solely responsible for transforming vulnerable children's life chances. Schools, health services, police and other agencies must all play a key role.

**1. The Department for Education and the Department for Communities and Local Government should conduct a review of resourcing of social care services.**

**2. The Government should incentivise investment in early intervention and prevention.**

**3. The Government should strengthen duties on schools, health services, police and other agencies, in the context of the new local safeguarding partnership arrangements.**

## (ii) Supporting all 'children in need'

The number of 'children in need', who qualify for support under Section 17 of the Children Act 1989 ('S. 17') is rising, and the Inquiry heard compelling evidence that local authorities are struggling to keep up with the rise in demand.

A survey of directors of children's services carried out by the Inquiry found that a staggering 89 per cent reported finding it increasingly challenging to fulfil their statutory duties under S.17 in the last five years.<sup>1</sup> Furthermore, where children are in touch with services, interventions are focused on child protection concerns, rather than on identifying and responding to a broad range of needs.

**4. The Department for Education should consult on a review of the current framework for supporting 'children in need'.**

<sup>1</sup> See Annex B, iv) Survey of Directors of Children's Services (DCS), Question 5.

## **(ii) Variation in practice and outcomes**

There is significant variation in the application of law and policy across local authorities. Statistics suggest wildly different approaches to early intervention, identification of 'children in need', and to rates of children taken into care.

Evidence suggests this variation does not result from differences in demography or resource. Crucially, local policy decisions are leading directly to stark contrasts in children's outcomes, including the likelihood that they are taken into care.

Innovation is vital in order to drive practice improvements and develop more effective and efficient ways of meeting children's needs. Local authorities already can and do innovate, and the Inquiry was not convinced that legislative change in this area is necessary or desirable. A strong statutory and policy framework is essential so that children and families can always rely on the protection of clear, universal entitlements, wherever they live.

**5. The Department for Education should commission an independent Inquiry into variation in access to children's services across England, and the impact on outcomes for vulnerable children.**

## **(iv) Supporting stable relationships**

There is growing evidence about the importance of stability and positive relationships in helping children achieve positive outcomes.

However, stability is consistently undermined by staff shortages, high turnover of social workers and multiple care placements, with consequences for the quality of care. In some areas agency staff account for more than 40 per cent of social workers.<sup>2</sup>

**6. The Department for Education should develop a strategy to reduce churn in the children's social work system.**

**7. All local authorities should be required to sign a regional memorandum of understanding on the payment of locum staff.**

## **(v) Giving children a say in their care**

Many councils follow good practice in involving children in strategic decision-making, including through Children in Care Councils. However, the Inquiry heard that in many places children in care are not routinely involved in decisions about their own support. In some cases, children do not even understand why they are looked after by the local authority.

**8. The Department for Education should support and incentivise local authorities to improve participation practices so that vulnerable children play a meaningful role in their care.**

**9. Children's participation entitlements, including to advocacy and support from Independent Reviewing Officers (IROs), should be protected.**

## **(vi) Improving services for children and families across England**

The Inquiry heard that where a local authority is judged 'inadequate' or 'requires improvement', the response by central Government and the local authority itself often fails to drive improvement. Specifically, staff changes and uncertainty often lead to a period of instability for children's services, which can filter down to children and families. Often what is required is strong, stable leadership bolstered by external support.

**10. The Government should adopt a more flexible approach to intervening in failing children's services.**

**11. The Department for Education should develop an outcomes framework for children's social care to help drive practice improvement.**

**12. The Department for Education should work with the Local Government Association (LGA) and the Association of Directors of Children's Services (ADCS) to establish a national program for developing senior leaders and a 'buddying' system whereby failing local authorities partner with outstanding counterparts.**

# Introduction

## All Party Parliamentary Group for Children: Inquiry into children's social care

In February 2016 the All Party Parliamentary Group for Children (APPGC) launched an Inquiry into children's social care. The objective of the Inquiry was to investigate local arrangements for the delivery of these services in light of changes in resources and demand, and diversity in performance and outcomes across England. It aimed to:

- Bring together evidence about the current resourcing of children's social care services and changes in the nature and level of demand;
- Explore the impact (or potential impact) of these changes on the delivery of children's social care services and on children and young people;
- Build a picture of the key elements of a successful children's services department and the challenges facing areas that are struggling to improve, and share examples of good practice; and
- Assess whether changes are needed to policy and legislation in order to improve the delivery of children's social care services and in turn outcomes for children.

The context for this Inquiry was the growing recognition that children's services are struggling to meet the twin challenge of growing need and shrinking resource. The immediate consequences of this are captured in the NAO's recent report on *Children in Need of Help and Protection*.<sup>3</sup> The recommendations set out in this report are designed to inform the design and implementation of social care policy, with a focus on improving outcomes for vulnerable children and families.

## Evidence gathered by the Inquiry

At the start of the Inquiry, the APPGC issued a call for written evidence, and written submissions were received from a number of organisations in the statutory and voluntary sectors. Local authority leaders and service providers from across the country were invited to present examples of good practice in the delivery of children's social care services, and to outline the barriers to improvement they are facing. The Inquiry also heard directly from children and young people about their experiences of children's social care

services. Oral evidence sessions were held in Parliament between April and October 2016. Following these stages, a survey of directors of children's services was conducted to test the extent of some of the challenges identified. Over half of the directors of children's services in England responded to this survey, strengthening the evidence base for the report's recommendations. A list of oral and written evidence received and details of the survey of directors of children's services are set out in annex B.

3 National Audit Office (2016.) Children in need of help or protection.

# This Report

This report is structured as follows:

Chapter 1: A System struggling to meet demand

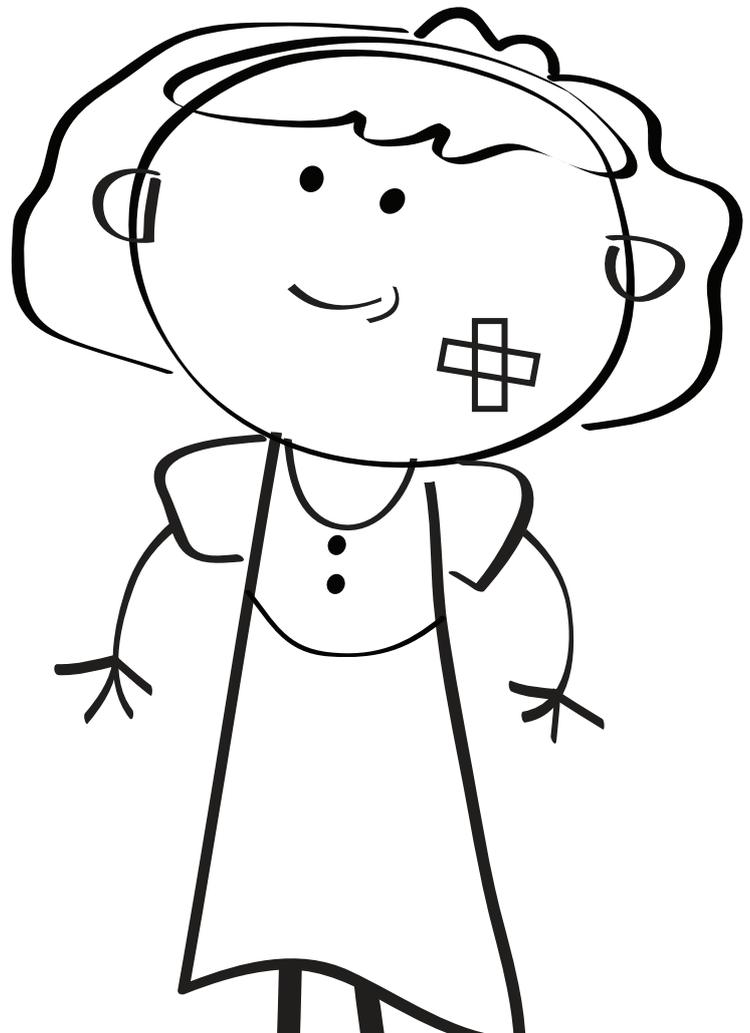
Chapter 2: Supporting all 'children in need'

Chapter 3: Variation in practice and outcomes

Chapter 4: Supporting stable relationships

Chapter 5: Giving children a say in their care

Chapter 6: Improving services for children and families across England



# About the All Party Parliamentary Group for Children (APPGC)

The APPGC is a group of MPs and Peers with an interest in children's issues and securing effective policy change for children. The APPGC holds regular meetings on current issues affecting children and young people, and works strategically to raise the profile of children's needs and concerns in Parliament. As well as inviting representatives of child-focused voluntary and statutory organisations and government departments to attend meetings, the APPGC hears directly from children and young people to take their views into consideration.

## APPGC mission statement:

*'To raise greater awareness in the Houses of Parliament on aspects of the well-being of the nation's children aged 0-18 years, and our obligations under the United Nations Convention on the Rights of the Child; and to work with children, young people, children's organisations, and politicians from all sides to promote first-class government policy for children'.*

## The Officers of the APPGC

**Co-Chairs:** Baroness Howarth of Breckland and Tim Loughton MP (Con, East Worthing and Shoreham)

**Vice-Chairs:** Baroness Walmsley of West Derby, Kelly Tolhurst MP (Con, Rochester and Strood) and Sarah Champion MP (Lab, Rotherham)

**Secretary:** Earl of Listowel

**Treasurer:** Baroness Massey of Darwen

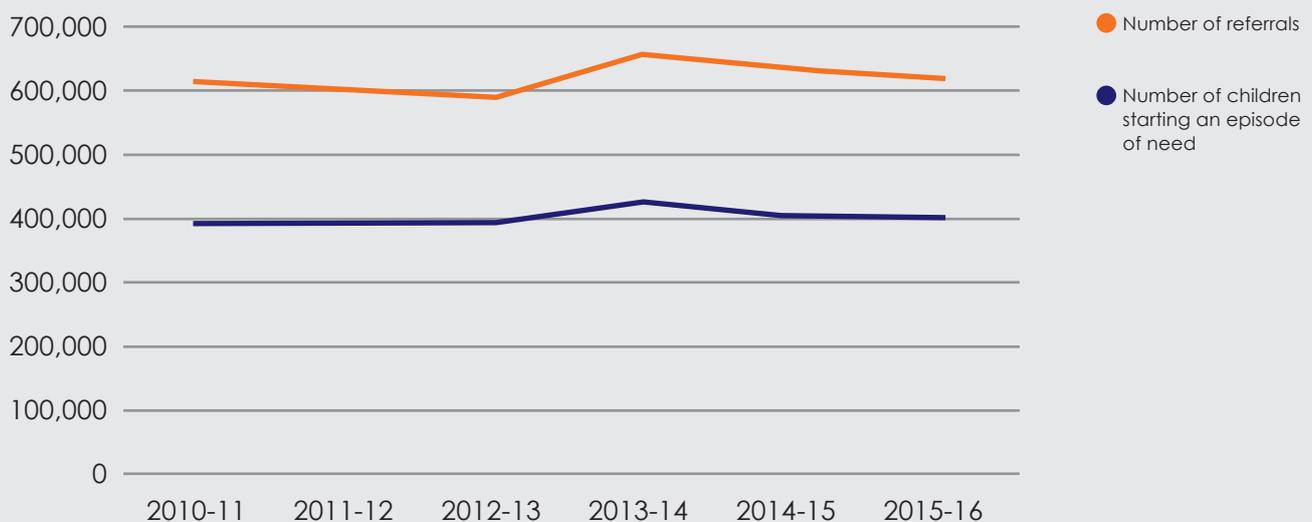
**The National Children's Bureau provides the secretariat.**

# 1. A system struggling to meet demand

## Rising demand

Demand for children's social care has risen over the past five years. This was reflected in the vast majority of submissions to the Inquiry and is evidenced by official statistics.

### Referrals and children in need



The number of children referred to social services, and the number starting an "episode of need" are higher than five years ago. However, there has been a slight decline since the peak in 2014-15.

A referral occurs where a family member, a member of the public, a professional, or a child, contacts social services to express concern for a child's wellbeing. The number of children referred to social services has increased by one per cent since 2010/11. This means there are now 6,470 more referrals each year than there were in 2010-11.<sup>4</sup>

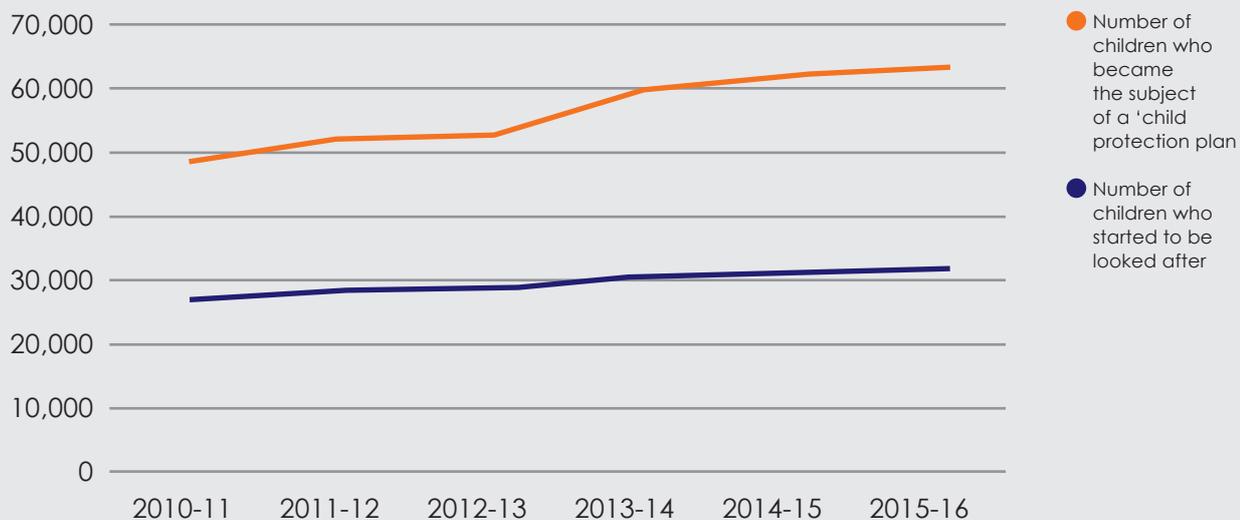
An episode of need starts when a local authority has assessed that a child is unlikely to develop healthily without the local authority taking action to support them (and ends when they believe this is no longer the case).<sup>5</sup> The number of children starting an episode of need has increased by two per cent since 2010/11. This means there are now 8,600 more children starting an episode of need each year than there were in 2010-11.<sup>6</sup>

4 Department for Education (2016) Characteristics of children in Need.

5 See Chapter 2 for more information about children in need.

6 Department for Education (2016) Characteristics of children in Need.

## Children with a child protection plan, and looked after children



In contrast to both the numbers of referrals and children starting an episode of need, the number of children starting to be subject to a child protection plan has continued to increase since 2013/14, and has been rising steadily since 2010/11.<sup>7</sup> The number of children starting to be looked after also continued to increase steadily over the five year period up to March 2016.<sup>8</sup>

Children become subject to a child protection plan when professionals believe they are suffering, or are likely to suffer, significant harm due to neglect or abuse.<sup>9</sup> The number of children becoming subject to a child protection plan has risen by 29.2 per cent between 2010/11 and 2015/16.

Over the same period the number of children starting to be looked after has risen by 17.4 per cent.<sup>10</sup> These are mostly children who are

in foster or residential care following abuse, neglect, or other challenges which mean their parents are no longer able to care for them.<sup>11</sup>

The Inquiry heard a wide range of possible explanations for increases in demand. This included increasing numbers of children who are vulnerable or at risk from female genital mutilation, gang violence, child sexual exploitation, radicalisation, and increasing numbers of unaccompanied children seeking asylum. It also included concerns that perceived increases in child poverty and cuts to early intervention services are leading to more children being at risk from mental illness, substance abuse and domestic violence.<sup>12</sup> Other submissions suggested the data could be explained by better identification, rather than an actual increase in the number of children at risk.

<sup>7</sup> Ibid.

<sup>8</sup> Department for Education (2016) Children looked after in England including Adoption.

<sup>9</sup> CA 1989, Section 47; HM Government (2015) Working together to Safeguard Children.

<sup>10</sup> Department for Education (2016) Children looked after in England including Adoption.

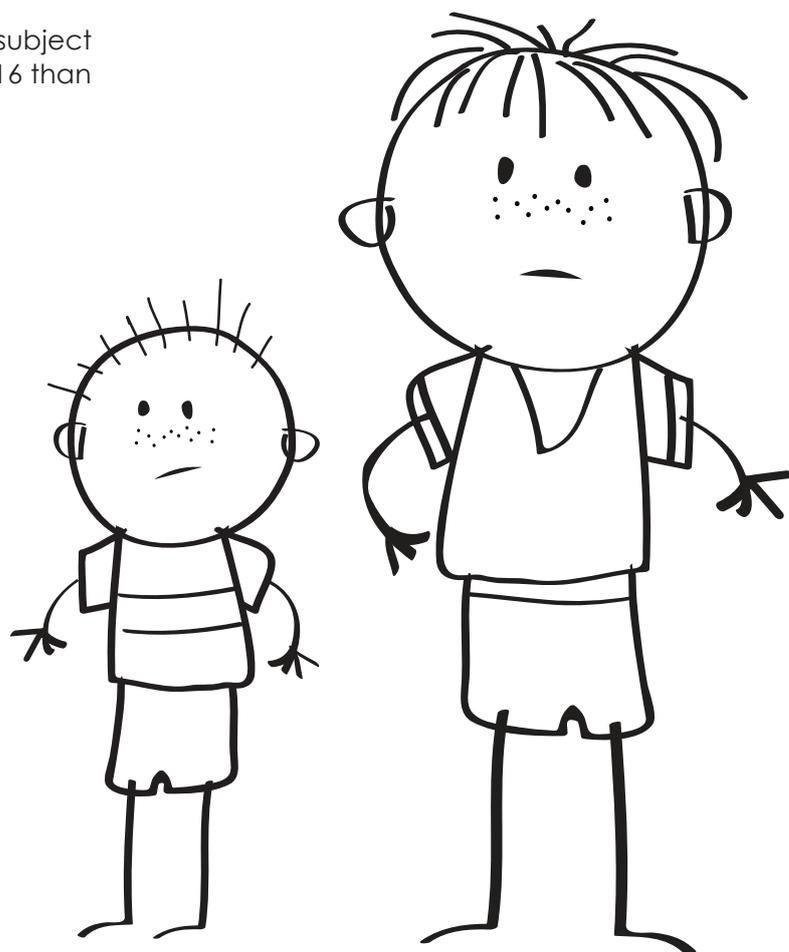
<sup>11</sup> CA 1989, Section 31: A child may also have 'looked after' status if they are away from home for other reasons, such as being in custody or are in a year-round residential special school placement.

<sup>12</sup> For example, in written evidence from British Association of Social Workers; Coram Children's Legal Centre; and written and oral evidence from Professor Ray Jones.

## Children in need of help or protection

Local authorities are facing a perfect storm of increased demand and reduced resources.

- **4,740** more children went into care in 2015-16 than in 2010-11
- **6,470** more referrals to local authority children's services in 2015-16 than in 2010-11
- **12,000** more children were classified as 'in need' under section 17 of the Children's Act in 2015-16 than in 2010-11\*
- **8,600** more children were identified as 'in need' throughout the year (started an episode of need) in 2015-16 than in 2010-11
- **14,310** more children became subject to a child protection plans in 2015-16 than in 2010-11



\* This means they are entitled to assessment and support under S.17 of the Children Act 1989. This includes children at risk of neglect and abuse but also, crucially, a significant proportion of children with other types of need.

2010/11

2015/16

Started to be looked after /went into care



27,310



32,050

Number of referrals to children's services



615,000



621,470

Number of children classified as 'in need' of support under S.17 of the Children's Act 1989



382,400



394,400

Number of children starting an episode of need



393,000



401,600

Number of children becoming subject to a child protection plan



49,000



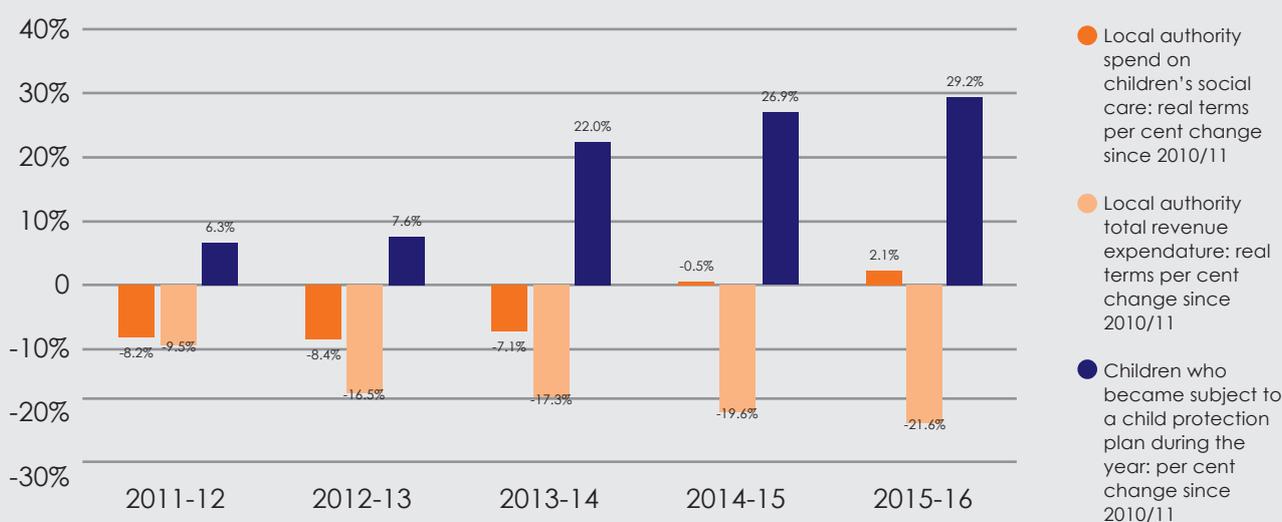
63,310

While local authorities participating in the Inquiry were optimistic about opportunities for improvement, they also highlighted financial pressures. There is clear evidence that funding for children's social care services is not keeping pace with demand.

The graph below illustrates the annual percentage change in local authority spend on social care, total revenue expenditure and the number of children who became subject to a child protection plan each year from 2010/11 to 2015/16. Reflecting reductions in funding from central government, local authorities' overall spending has decreased by over 20 per cent since 2010-11.<sup>13</sup> Spend on children's social care has risen slightly, by just over 2 per cent, after falling earlier in this five-year period.

These changes are shown in the chart below, alongside the increase in children starting to be subject to a child protection plan each year during this time (29.2 per cent).<sup>14</sup> The recent increase in spend relates primarily to looked after children and statutory safeguarding services.<sup>15</sup> This gives an indication of the mismatch between changes in the number of children local authorities are having to support and protect, and the amount of resource they have available to carry this out.

Change in local authority spend on children's social care since 2010/11



13 Total revenue expenditure of local authorities in England fell from £104,256M in 2010/11 to £94,533M in 2015/16 (calculated using the Bank of England Inflation Calculator to be worth in £81,724M in 2010 prices), a real terms decrease of 21.6%. See Department for Communities and Local Government, Local Authority Revenue Expenditure and Financing: Final Outturn, England, <https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing> and Bank of England Inflation Calculator <http://www.bankofengland.co.uk/education/Pages/resources/inflationtools/calculator/default.aspx>

14 The number for children that started to be subject of a child protection plan each year has risen from 49,000 in 2010/11 to 63,310 in 2015/16, an increase of 29.2%. See Department for Education, Characteristics of children in need (SFR52), <https://www.gov.uk/government/collections/statistics-children-in-need>

15 Department for Communities and Local Government (2016) Local Authority Revenue Expenditure and Financing: 2015-16 Final Outturn, England: Statistical Release. The other subcategories of spend in children's social care are: Sure start children's centres/ flying start and early years; Other children's and families services; Family Support Services; Youth Justice; Asylum Seekers; Services for young people.

## A costly shift in focus

Early intervention, and other work with families where abuse or neglect is not taking place, appears to be bearing the brunt of this apparent mismatch between funding and demand. The Inquiry heard from a wide range of sources that resources are increasingly focused on children who have already suffered harm and those at the greatest risk. There is evidence that this is leading to unmet need elsewhere in the system and a rise in costly late intervention.

## Less Support for Families

In its evidence to the Inquiry, Contact A Family highlighted that 74 per cent of parents of disabled children think it is becoming more difficult for families with disabled children to access short breaks. A number of other organisations highlighted cuts to other services aimed at supporting families. This includes children's centres as well as more targeted family support.<sup>16</sup> *Losing in the Long Run*, a report by the National Children's Bureau and other leading charities, found that between 2010-11 and 2015-16 spending by local authorities on early intervention services for children, young people and families fell by 31 per cent in real terms.<sup>17</sup> Reflecting this trend, recent Ofsted figures show that across local authorities, for every £1 spent on preventative help, £4 is spent on reactive child protection work.<sup>18</sup> The Local Government Association told the Inquiry that this trend is likely to continue. As expenditure

on statutory duties continues to rise (in line with demand), non-statutory early intervention and early help services will bear the brunt of any further reductions in spending.

The most obvious impact is that some children and families will no longer have access to services. However, as Oxfordshire County Council highlighted to the Inquiry, reducing the availability of early help services can lead to an increase in more significant problems for that cohort later in life. Oxfordshire emphasised that early help is beneficial in preventing some children from becoming victims of abuse, long-term service users, or offenders, as adults. The Rainbow Trust emphasised the importance of early help services in enabling families of children with long term health conditions to access a wide range of support. For some children, early help services can mean their families are better able to support them so they do not need to be taken into care.

**"Children's services have got to implement the correct support at the correct level."**

**Young Advisor, London Borough of Bromley.**



<sup>16</sup> For example, in written evidence from British Association of Social Workers; Catch 22; Royal College of Paediatrics and Child Health, Coram Children's Legal Centre.

<sup>17</sup> National Children's Bureau, Action for Children, The Children's Society (2016) *Losing in the long run*.

<sup>18</sup> Ofsted (2014), *The Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2013-2014: Social Care*.

## Increasing Stigma

Change in the focus of children's services can have broader repercussions even for continuing work with the most vulnerable families. Tiffany Green, BASW England Ambassador and Practice Manager, British Association of Social Workers (BASW), said cuts to early intervention programs had made it more difficult for social workers to do their job effectively. She emphasised the value of early intervention in all its guises for helping social workers to maintain links with, and understand the needs of, their community.

Furthermore, Professor Ray Jones, Professor of Social Work at Kingston University and St George's, University of London, suggested that the new emphasis on child protection services changed the families' perceptions of social care. He suggested children's social services were now more 'threatening' to families who fear intervention will rapidly escalate and result in their children being taken into care. Other evidence to the Inquiry also suggested there was increasing stigma attached to families receiving support, including at an early help or early intervention stage, and those with a disabled child, who feared being considered 'at risk' of abusing their children.

## Late Intervention

Failure to meet needs early is likely to result in those needs increasing. Consequently, when children do access support, they will typically require greater resources. The National Audit Office has reported that the average annual spend on a 'child in need' is increasing.<sup>19</sup> As highlighted above, there have been significant increases in the number of children ultimately requiring a child protection plan or having to be taken into care. Experts giving evidence also suggested that children are being taken into care at an older age, suggesting those children and their birth families missed out on the support they needed earlier on.<sup>20</sup>

A number of local authorities highlighted that early help services reduce the burden on other, often more costly services, by preventing low level problems from escalating. The financial implications of cuts to early help services are therefore clear. The Early Intervention Foundation has reported increased spending (up to £17bn) on short-run late interventions. It describes this as a fire fighting measure to combat some of the issues caused by the reduction in early help services across England.<sup>21</sup>

<sup>19</sup> National Audit Office (2016,) Children in need of help or protection.

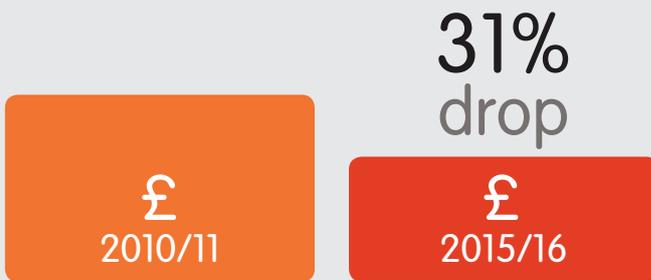
<sup>20</sup> See minutes of evidence session 1.

<sup>21</sup> Early Intervention Foundation (2016), The cost of late intervention: EIF Analysis 2016.

## Early Intervention

Although the benefits of early intervention are widely recognised, local authorities opting to deliver early intervention services are often struggling to fund their activity.

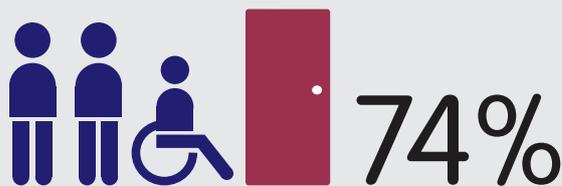
Between 2010-11 and 2015-16 the money that local authorities receive from central government to spend on early intervention fell by 55 per cent in real terms.



Between 2010 - 11 and 2015 - 16 spending by local authorities on early intervention services for children, young people and families fell by 31% in real terms.



For every £1 spent on preventative help, £4 is spent on reactive child protection work.



74 per cent of parents of disabled children think it is becoming more difficult for families with disabled children to access short breaks.



Local authorities have taken different approaches to early intervention. Essex has invested significantly in children's centres whereas Oxford decommissioned all centres in their area and faced judicial review as a result.

Local authorities are being forced to make difficult decisions about allocation of scarce resources.

Jim Leivers, Director of Children, Education and Families Directorate, Oxfordshire County Council, outlined the importance of working with other agencies to support a shift towards prevention. However, he also told the Inquiry Oxfordshire County Council was taking the radical step of withdrawing all financial support from children's centres in order to invest in services for children with the highest levels of need.

Dave Hill, President of the Association of Directors of Children's Services and Executive Director of People Commissioning, Essex County Council, highlighted that Essex had successfully reduced the number of children being taken into care, by effective work with families outside the child protection system. Similarly Andrew Christie, then Executive Director of Children's Services for the Tri-borough (Kensington & Chelsea, Hammersmith & Fulham, and Westminster), highlighted progress in reducing the cost of statutory activity. He described an agreement that he has set up with the rest of the leadership of the councils whereby for every £3 saved in such a way, £1 would be kept in children's social care to invest in early intervention.

Whilst many of those giving evidence stressed that shifting resource towards early intervention could help reduce costs at the higher end of need and reduce the number of children being taken into care, several experts told the Inquiry this would not always result in financial savings:<sup>22</sup>

- Resource saved by keeping one child out of care is likely to be directed towards other children in need of support, who would not otherwise have received it. This phenomenon is replicated elsewhere in the social care system. NSPCC estimates that for every child who is subject to a child protection plan or placed on the child protection register, another eight children have suffered maltreatment.<sup>23</sup> Meeting the needs of just a quarter of maltreated children who are not currently being identified would cost £360m to £490m in public spending.
- Families most at risk of having a child taken into care are often unwilling to engage with universal or preventative services. This means that there will always be some families who are much harder to reach through early intervention.
- Early intervention is only effective if properly resourced. Providing very limited funding for an intervention may not result in significant change for an individual family. Successful, evidence based, properly implemented interventions may have cost implications which local authorities struggle to meet for every family in need of support.

<sup>22</sup> See minutes from evidence session 5.

<sup>23</sup> See written evidence from NSPCC.

## A shared responsibility

Supporting vulnerable children must be seen as 'everyone's business'. Even when children's social care services are fully resourced, other services must still play a key role in supporting children and families. This needs to be reflected in the legal framework.

A number of factors, outside of local authority control, have contributed to increasing need in recent years, necessitating a multi-agency response. Although local authorities are responsible for preventative services such as health visitors and children's centres, funding from central government has reduced significantly over the past five years.<sup>24</sup> The Inquiry also heard evidence that recent reforms to the welfare system could result in more children needing support.<sup>25</sup> BASW, meanwhile, highlighted how schools could make a greater contribution to keeping children safe through consistent, high quality Personal, Social, Health, and Economic education (PSHE). Several local authorities highlighted that duties on partner agencies, such as the police and NHS, to cooperate with work to protect vulnerable children, are not strong enough.<sup>26</sup>

The full range of relevant agencies, including schools, the NHS and the police, must be held responsible for supporting and protecting children, alongside local authorities. Ofsted told the Inquiry that it has recently introduced joint targeted inspections that would help all partners involved in supporting children and families to learn lessons for future improvement, which is an important welcome development.

Since the implementation of the Children Act 2004, Local Safeguarding Children Boards (LSCBs) have played an important role as a forum for local partners to establish processes for identifying and supporting children who need help and protection. LSCBs are now being replaced with a new local safeguarding system which will place a more equal emphasis on health services and the police, alongside local authorities, but will also allow for greater local flexibility. There is a risk that partners not named in the new legislation, including schools, will avoid responsibility and accountability.

"There is a big debate about the position of schools [in relation to safeguarding] and there is concern that education and schools have not been named in the [Children and Social Work] Bill. The reason is that it is complex who represents schools. As Alan Wood [lead for the Wood Report: Review of the role and functions of Local Safeguarding Children Boards<sup>27</sup>] said, the local council has the responsibility for all children in their area, and therefore the director of children's services has an oversight of schools. However this isn't the same as the schools' feeling at heart of the safe-guarding arrangements."

David N Jones, former Chair of Association of Independent LSCB Chairs.

<sup>24</sup> Between 2010-11 and 2015-16 the central government early intervention allocation to local authorities has fallen by 55 per cent in real terms (see footnote 13); The 2015 spending review announced are reduction in local authorities' public health grant of around 4 per cent for each year up to 2019/20.

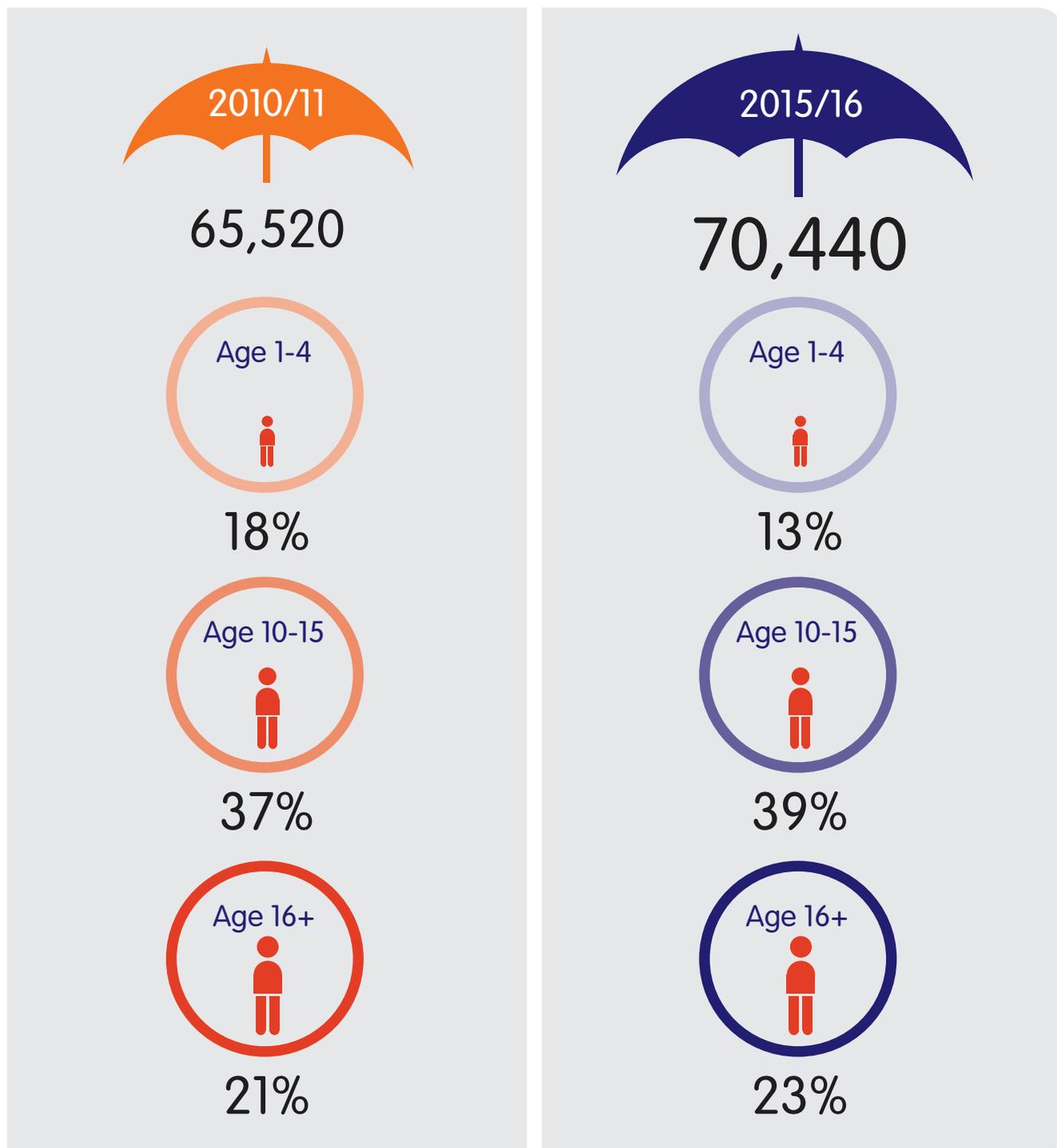
<sup>25</sup> For example written evidence from Professor Ray Jones; The Children's Society; Kent County Council; The Fostering Network.

<sup>26</sup> For example written evidence from London Borough of Bexley; Essex County Council; Kent County Council.

<sup>27</sup> Alan Wood (2016) Wood Report Review of the role and functions of Local Safeguarding Children Boards.

- The profile of children in care is changing and the age of looked after children is steadily increasing.
- There were almost **5,700** more children aged 10+ in care in 2015-16 than in 2010-11.
- In 2010-11, **58%** of children in care were aged 10+ - approximately 38,000 children.
- In 2015-16 **62%** of children in care were aged 10+ - approximately 43,700 children.

### Number of children in care at 31 March



## 2. Supporting all 'children in need'

Many children who are vulnerable, or who have specific additional needs, are classified as 'children in need'. This means they are entitled to assessment and support under S.17 of the Children Act 1989. This includes children at risk of neglect and abuse but also, crucially, a significant proportion of children with other types of need (see box overleaf). The Inquiry heard evidence that local authorities are increasingly struggling to meet their duties towards the full range of children covered by this legislation.

Jim Leivers, Director of Children, Education and Families Directorate, Oxfordshire County Council, told the Inquiry that children's services are no longer sufficiently resourced to provide services other than for the most vulnerable. He said it was challenging for Oxfordshire to meet its duties under S.17. Professor Ray Jones, Professor of Social Work at Kingston University and St George's, University of London told the Inquiry that all children's services in England were currently unable to meet their S.17 duties.

Our survey of directors of children's services supported this evidence. 89 per cent of respondents said it had become more challenging to meet S.17 duties in the last five years.<sup>29</sup>



<sup>29</sup> See Annex B, iv) Survey of Directors of Children's Services (DCS), Question 5.

## Section 17: Children in Need

The Children Act 1989 defines a child in need as a child who is aged under 18 who is *'unlikely to achieve or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services; or a child who is disabled'*.<sup>30</sup>

S.17 places a duty on every local authority in England and Wales to *'safeguard and promote the welfare of children within their area who are in need'* and *'so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs'*.<sup>31</sup>

S.17 referrals can be made by a child, a teacher, a health visitor, a GP, other professionals, the police or a member of the public.<sup>32</sup> Following referral, the local authority is required to conduct an assessment of the child's needs to determine if further action is required.

394,400 children were classified as children in need at 31 March 2016. Just over half (50.6 per cent) are considered at risk of abuse and neglect. If the local authority suspects that a child is at risk of harm they are required to take further action. This action may result in the authority putting in place a child protection plan.

**However, children covered by S.17 have a range of primary needs:**

- risk of abuse or neglect (50.6 per cent)
- child's disability or illness (9.6 per cent)
- parent's disability or illness (2.9 per cent)
- family in acute stress (8.7 per cent)
- family dysfunction (17.4 per cent)
- socially unacceptable behaviour (1.9 per cent)
- family on low income (0.5 per cent)
- absent parenting (3 per cent)<sup>33</sup>

The number of children in need has increased by just two per cent in the last five years, whilst the rate of child protection inquiries has increased dramatically by 46 per cent in the same period. However, evidence to the Inquiry suggests that the small increase in

children classified as 'in need' is likely to be misleading. The number of children needing help is likely to have risen much more substantially, but with squeezed resource, local authorities are struggling to provide them with services.

*"...the number of children 'in need' is likely to be being grossly under reported. When a child is described as in need it means that a service (social work) will have to be provided. This is not to suggest dishonesty among professionals, but it is in our view, to describe the reality of rapidly rising thresholds that arise from reducing resource."*

London Borough of Bexley

30 HM government (2013) Working Together to Safeguard Children A guide to inter agency working to safeguard and promote the welfare of children.

31 CA1989, Section 17 part 1.

32 'National Audit Office (2016) Children in need of help or protection.

33 Department for Education (2016), Characteristics of children in need: 2015 to 2016. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/564620/SFR52-2016\\_Main\\_Text.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564620/SFR52-2016_Main_Text.pdf)

This is corroborated by charities working with disabled children, migrant children and other vulnerable groups, who told the Inquiry that support from social care is increasingly difficult to access.<sup>34</sup>

Whilst it is clear that vulnerable children are missing out on vital support, the scale of the problem is unknown. There is a strong case for the Government to review how the S.17 framework is working.

Aside from the question about which children are missing out on support, there are further questions about whether the system is overly bureaucratic and stigmatising for some categories of children. The Inquiry heard that in Bromley, disabled children who did access support under S.17 often found the system problematic.

“when they [disabled children] are with a group of their peers they get asked ‘do you have a social worker?’ and they have to reply ‘yes’. And then they get asked ‘what have your parents done?’ Even though it is not that at all.”

Young Advisor, London Borough of Bromley



These issues affect other children receiving early help. As Isabelle Trowler, the Chief Social Worker pointed out:

“all of the bureaucracy that goes with risk identification and assessment, well established at the statutory end, has filtered across that boundary and downwards through the risk continuum.”

This suggests that resources could be better utilised, and children and families' experiences of using services improved, by doing things differently. This might include taking a more proportionate approach to risk assessment, depending on the nature of an individual child's needs. It should be stressed that evidence to the Inquiry suggests that this issue concerns local practice, rather than overly prescriptive legislation.<sup>35</sup> Furthermore, whilst such problems were acknowledged, many organisations and individuals highlighted the importance of a clear legal entitlement to support.<sup>36</sup>

Some local authorities are already exploring how to improve the process of accessing support. Stockport Metropolitan Borough Council, for example, described how it is remodelling its family support services to meet the needs of children and their families in a holistic way. Working with the Council for Disabled Children, part of the National Children's Bureau, and with funding from the Innovation Programme, London Borough of Bromley is developing an improved approach for families wanting to access short breaks.<sup>37</sup> London Borough of Bexley meanwhile, has

34 For example written evidence from Shropshire Parent Carers' Forum, The Carers Trust and National Deaf Children's Society.

35 See Michael Little's oral evidence in evidence session 5

36 Should read 'For example written evidence from Contact A Family, Coram Children's Legal Centre and oral evidence from Gerald Meehan in evidence session 5.'

37 Caroline Bennett (2016) Transforming culture and practice in children's social care assessment: Phases 3 & 4: Promising practice from phases 3 & 4 of the Council for Disabled Children learning and innovation programme.

developed a 'signs of safety' approach, which aims to improve understanding of the strengths within a family before deciding on the appropriate intervention. It will be important for any consultation on reform of S.17 to build on the learning from this existing good practice and innovation.

## Case Study: Support for a young person with Autism Spectrum Disorder

A 17 year old adopted child was undergoing a neurodevelopment assessment by Child and Adolescent Mental Health Services (CAMHS). He was diagnosed with Autism Spectrum Disorder alongside some additional medical issues and sensory needs. Initially, the family was receiving support from Post Adoption Services, a local autism support organisation, and the relevant Local Authority's Early Help Team.

The parents tried to implement strategies to manage the child's behaviour but were not making progress. Concerns were raised about the impact of the child's extreme controlling behaviour and aggression which was directed at his mother. The Early Help team requested specialist social work support and all agencies involved identified the need for residential 'Short Breaks'.

The Early Help Team and the Post Adoption workers were due to close the case as their input is time limited (in this kind of case, a standard intervention is twelve weeks). Following the intervention an 'Initial Assessment' was conducted as part of the Early Help programme by a social worker in the multi-agency Early Help team and found that the family did not meet the threshold for support. The fact that an initial assessment took place at this stage suggests that the Early Help Team wanted to establish if the child was 'in need'. However, if the child was disabled he was automatically 'in need' under S.17 and any assessment should have been about the kind of support the young person needed from the local authority.

The reason for the family not reaching the threshold for support is unknown in this case. However, it is notable that this is not uncommon for this type of assessment and families can often be left without an explanation. The social worker's report included some unhelpful recommendations such as:

- Advising the parents to contact an independent provider for respite and apply to a charity to fund it. If the local authority had identified that the young person was in need of short breaks, it was the local authority's legal responsibility to fund this. Due to local authorities' responsibilities in this area, charities generally do not fund short breaks themselves but provide them on behalf of local authorities as a commissioned service.
- Providing advice about how to refer to an Occupational Therapist that included incorrect information. This would have left the family under the impression that there would be support from another professional which they could not then access. If it was felt that the young person and their family would benefit from a service, it would have been good practice to refer them directly rather than giving contact details.

The Parents were left without support, and continued to experience isolation and distress.

# Case Study - child with a 'life limiting major chromosome abnormality' receiving support from a Rainbow Trust Family Support Worker

One mother shared her experience of how the services her family receive have changed over time.

Her son has a life limiting major chromosome abnormality. *'Neither his father nor I carry this genetically. It's absolutely random and is not screened for alongside the Trisomies (e.g. Down's Syndrome)'* she said.

The family initially received supported under S.17 of the Children's Act 1989. They accessed respite care and short breaks.

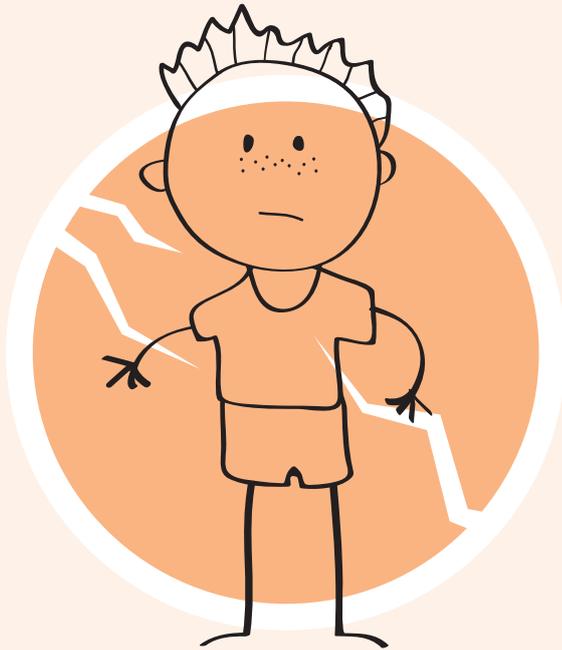
*'We were originally in receipt of a set number of respite hours per week...[this amounted to] 16 days of hospice respite which we mostly took as 8 weekends per year... we also received circa £900 pa from short breaks'.*

The mother explained how the package her family receives has changed in recent years. She said that she now only receives respite hours (not short breaks) but even those were

due to be cut. The hospice they use is only able to provide two weekends each year from 2017. *'We have been asked to use our Short Breaks money to plug the gap in his [their son's] nursery [provision]. e.g. non term time weeks'* she said. She also reported that year on year the family's Short Breaks money had been reduced as the same pot was required to help more and more families in the local area.

These services form part of a wider package of support, including occupational therapy and home visits. All of these services have been cut back in recent years, except education. This has left the family struggling to cope.

*'The catastrophic cuts to funding leave us families with less and less support. They leave families struggling to get even a minimum of intervention that might help secure them greater independence and wellbeing later in life.'*



Children at risk of abuse or neglect make up an increasing proportion of all children categorised as 'in need' of help from the local authority'.

In 2015/16 there were **31,400 more children** classified as 'in need' due to abuse or neglect than in 2010/11.

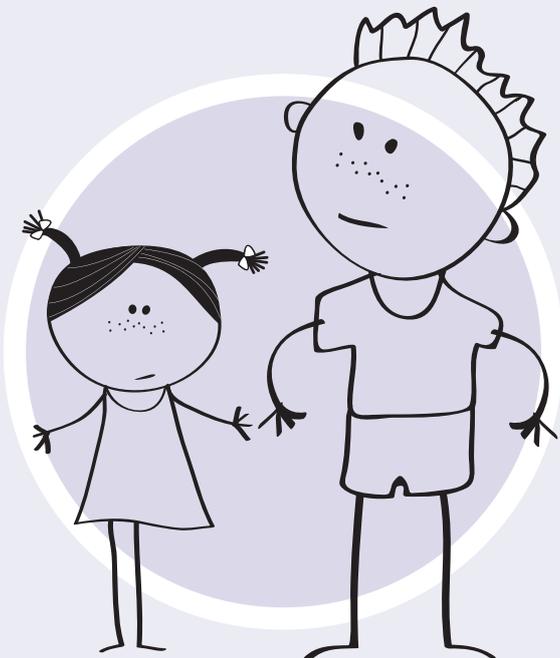


In contrast, children categorised as 'in need' for other reasons, for example due to disability and illness, dropped off in the same period.

There were **6,860 fewer children** classified as in need due to disability and illness in 2015/16 than there were five years earlier. But we know the number of children with an illness or disability is increasing rather than decreasing so it is likely that many children who should be receiving support simply are not.



**89 per cent** directors of children's services said it had become more difficult for them to meet their duties under section 17 in the past five years.



Local authorities are struggling to meet the full range of needs covered by this section of the legislation. Evidence suggests that some local authorities are focusing on protecting those at the greatest risk.

### 3. Variation in practice and outcomes

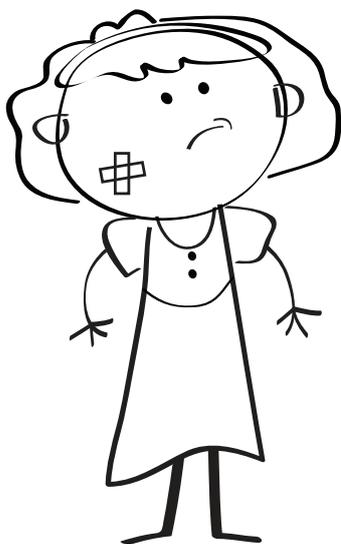
The Inquiry heard consistent evidence of wide variation in local practice and outcomes for children. This is corroborated by published statistics on social care activity:

**Referrals:** The average rate of referrals to children's services in 2015-16 was 532.2 per 10,000 children. Three local authorities had less than half this rate, with the lowest being 187.7. Two local authorities had more than double this rate. The highest had 1753, over nine times the rate of the lowest. Local authorities also report on the proportion of referrals that result in no further action. Three local authorities had over four times the national average of 9.9 per cent, whilst 14 local authorities reported a rate of 0 per cent. Around a fifth of all referrals are those made about the same child for the second or subsequent time. However in 2015-16 three local authorities had over double the average rate, and one had over ten times the rate of the lowest.<sup>38</sup>

**Children in need:** The national average rate of children starting an episode of need in 2015-16 was 343.9 per 10,000. Six local authorities had under half this rate, with the lowest being 115. Six local authorities had over double the national average, with the highest being 1188.6, over ten times the rate of the lowest.<sup>39</sup>

**Child protection plans:** The average national rate of children becoming subject to child protection plan in 2015-16 was 54.2 per 10,000. The three local authorities with the lowest rate had under half this rate, the lowest being 16.5. The four local authorities with the highest rate had over double the national average. With the highest being 180.6. The highest had therefore over ten times the rate of the lowest. Around a fifth of child protection plans are for children who are being made subject to such a plan for a second or subsequent time, however in 2015-16 five local authorities had over one and half times the average rate and the highest had a rate over seven times the rate of the lowest.<sup>40</sup>

**Looked after children:** The average national rate of looked after children per 10,000 was 60. Six local authorities had half or less than half this rate. The lowest being 22 per 10,000. Three local authorities had double or more than double the national average, with the highest having 164. The highest therefore had over seven times the rate of the lowest.<sup>41</sup>



38 Department for Education (2016) Characteristics of Children in Need: 2015-16

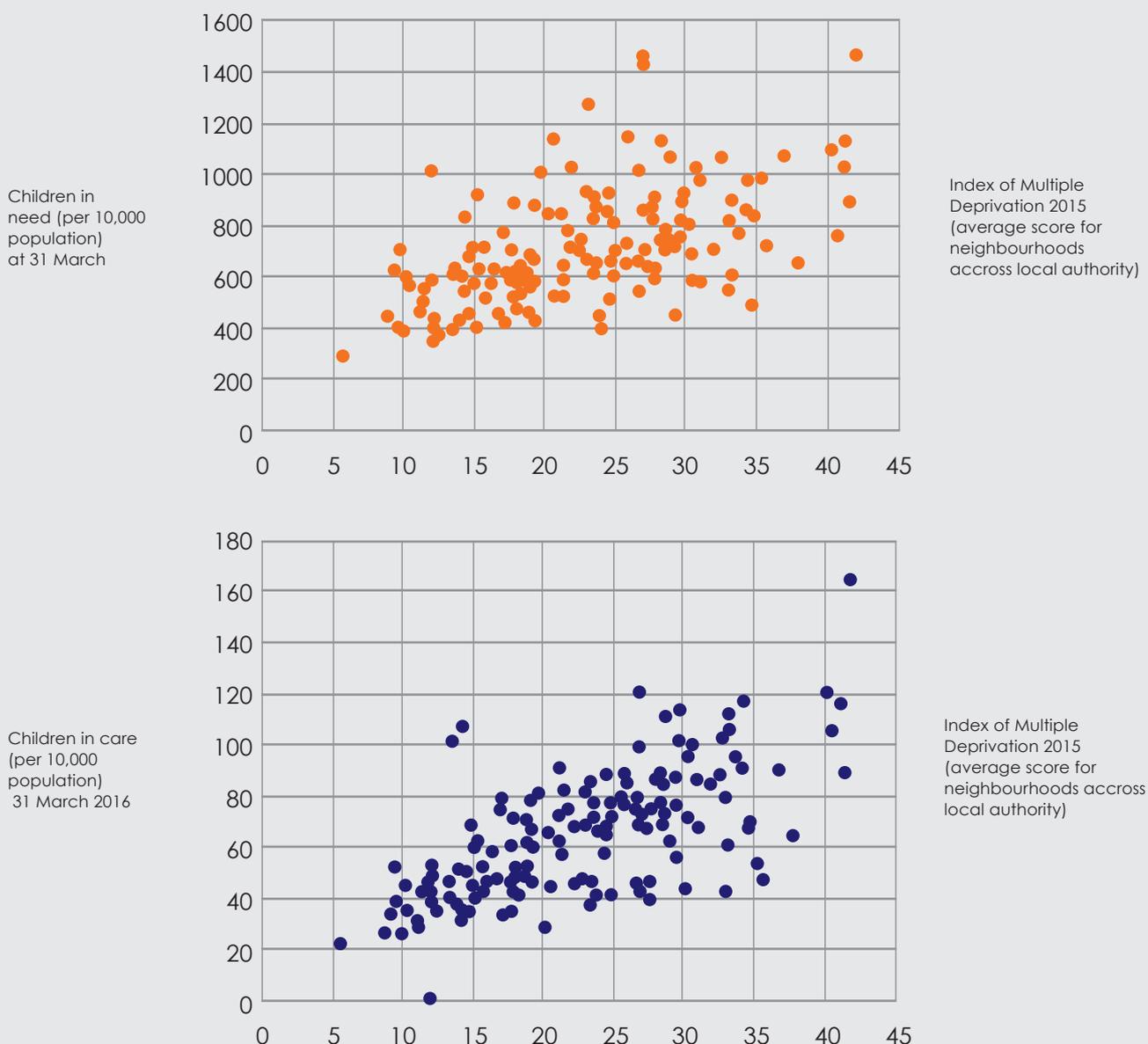
39 Ibid.

40 Ibid.

41 Department for Education, Children looked after in England including adoption: 2015-16,

Experts told the Inquiry that the reasons for these variations are little understood. It was suggested that just 10 per cent of variations between local authorities in terms of the number of children in care could be explained by differing levels of deprivation in the those areas.<sup>42</sup> The chart below sets out the rate of children in care and children in need against the index of multiple deprivation for local authorities in England. It shows that while there appears to be a loose relationship between the two, there are many local authorities with relatively high levels of deprivation but low numbers of children in care, and vice versa.

Relationship between rates of children in care and children in need, and deprivation levels in local authorities<sup>43</sup>



42 See oral evidence from Michael Little, evidence session 5.

43 Data taken from Department for Education (2016) Characteristics of Children in Need 2015-16; Department for Education (2016), Children looked after in England including adoption: 2015-16; Department for Communities and Local Government (2015), English Indices of Deprivation 2015: Upper-tier local authority summaries.

The index of multiple deprivation gives each neighbourhood or 'Lower-layer Super Output Areas' a score to indicate their level of deprivation, with higher scores meaning the area is more deprived. For this chart, the average score across all neighbourhoods in each local authority area is used.

Clearly, variation cannot be explained by demographics alone, suggesting the key factor is local practice. Specifically, difference in thresholds and in the interpretation of statutory duties.

For example, the Inquiry heard evidence of variation in eligibility for support in terms of disabled children and children from migrant families.<sup>44</sup>

The Inquiry also heard that local authorities are taking widely divergent approaches to the challenges facing the system. Oxfordshire, for example, is planning to focus on the children in greatest need, and at the time of giving evidence were the subject of a judicial review of their decision to decommission children's centres in the county. By contrast, Dave Hill, President of the Association of Directors of Children's Services and Executive Director of People Commissioning, Essex County Council, told us they had reduced the number of children in care and those subject to child protection plans through investment in earlier intervention, including multi systemic therapy (intensive family and community based intervention) and the troubled families programme.

There is also considerable variation in approaches to the social care workforce. Eleanor Schooling, Director of Social Care, Ofsted, told the Inquiry that caseloads could range from eight to 40 families, and that while all local authorities were able to recruit social workers, not all could keep them in post for long periods. National level data reflects this. The national vacancy rate for social workers at 30 September 2015 was 17 per cent, with 5,470 full-time equivalents nationally. However, 12 local authorities had over double the national average, with the highest local authority having a 57 per cent vacancy rate, over three times the national average.<sup>45</sup>

Given the diversity in levels of need, and in local policy and practice, it is unsurprising that the local authority spend varies widely too. The National Audit Office found that average reported spend on a child in need ranged from £340 in one local authority to £4,970 in another.<sup>46</sup> Ashley McDougall, Director, National Audit Office, highlighted that in recent reports on children in care, care leavers, and children in need of help and protection, there was no clear relationship between spend and either quality of services or outcomes. However, research does suggest that there is a relationship between spend and Ofsted judgements in the most deprived areas.<sup>47</sup>

There is a clear need to improve understanding about the underlying causes of such wide variations in practice and outcomes. Whilst local authorities must be empowered to innovate and respond to local need, children and families must also have universal and consistent entitlements, no matter where they live.

There is clearly a positive role for innovation in children's social care. This report highlights several examples of local authorities taking the initiative in improving practice, in relation to needs assessment and partnership working. Significant progress has been made since the Munro report in giving social workers more freedom and reducing bureaucracy. The best example of this is the 'Working together to safeguard children' guidance, which was substantially revised in 2012/2013 to make it more concise. The result is that each decision requires less research into guidance and more focus on the individual needs of the child.

The findings outlined earlier in this chapter suggest that local authorities are already able to vary their practice considerably, without legislative change. The Inquiry also heard evidence to suggest suggested that what may be perceived as process barriers were not a result of legislation, but local practice.

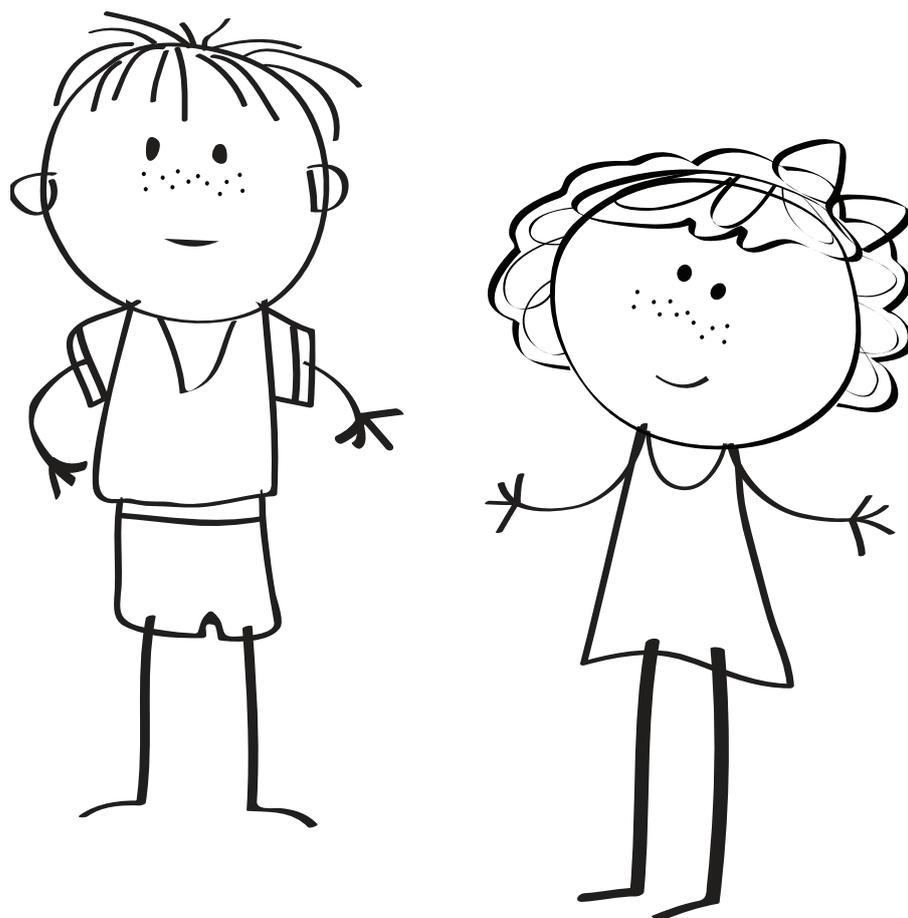
44 For example written evidence from Contact A Family; Coram Children's Legal Centre.

45 Department for Education (2016), Experimental official statistics: Children's social work workforce during year ending September 2015 for England.

46 National Audit Office (2016), Children in need of help or protection.

47 Paul Bywaters, Calum Webb and Tim Sparks (2016), 'Ofsted ratings do reflect local authority deprivation and spending' <http://www.communitycare.co.uk/2017/01/18/ofsted-ratings-reflect-local-authority-deprivationspending/?cmpid=NLC|SCSC|C019-2017-0119> [Accessed 25 January 2017]

Currently there is little understanding of the causes of variation in the children's social care system and the impact on children's outcomes. Local authorities are rightly able to innovate in order to respond to local need and drive improvement. However, the Inquiry urges the Government to focus its efforts on understanding the causes and impact of existing variation, and welcomes the Government's recent decision not to allow local authorities to opt out of statutory duties. We are mindful that without the guarantee of a consistent legal framework, vulnerable children, young people and their families will not have a clear universal set of rights and entitlements. First and foremost, children's social care services should be accountable to those they serve.



There is significant variation in how vulnerable children are supported across England.



Children and families with similar needs are receiving different levels of support depending on where they live.



Rates of looked after children vary from 22 per 10,000 of the population to 164 per 10,000. Local authority with the highest rate of look after children has 7 times the rate of the lowest – the reasons for this are unclear.

  
22 per  
10,000

  
164 per  
10,000

Local authority spend per child in need varies significantly. This ranges from £340 in one local authority to £4,970 in another.<sup>48</sup>

But - there is no clear correlation between local authority spend and overall outcomes for children in those areas.

## 4. Supporting stable relationships

### In search of "love"

The Inquiry found that high quality relationships are strongly linked to good outcomes. Evidence consistently highlighted the importance of professionals and carers maintaining consistent relationships with individual children and families. However, currently there are a number of barriers to achieving this.

Anne Longfield, The Children's Commissioner for England, told the Inquiry:

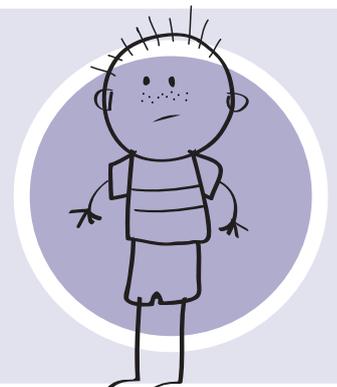
"a lot of people talk about the need for stability and permanence, however there is rapid turnover and placement turnover and a need to have trusted relationships."

Natasha Finlayson, Chief Executive of Become, told the Inquiry that young people in the care system say what they want is 'love'. In other words, they want the system to make sure that they feel loved. Finlayson told the Inquiry she does not believe the Government can legislate

for this, but argued that we should not give up on the concept. Specifically, Finlayson said that the care system does have the capacity to attempt to create the conditions in which love, or something akin to it, is given the chance to take root and to thrive.

"I have had stability with my foster carers since the age of 4, and having this was great. I was even getting to the point where I was just accepted as part of the family. [But] I have had multiple social workers and personal advisers, so building relationships and trusting that person can be quite difficult."

Young Person from Leeds



Steve Walker, Deputy Director for Safeguarding, Specialist and Targeted Services, Leeds City Council, highlighted how too many changes in young person's main social worker could prevent the young person developing good relationships with them. Walker told the Inquiry:

"how can you get to know somebody well enough to tell them personal things, if you're having this [high] level of change?."

Both Ofsted and the Fostering Network (citing evidence from its recent survey of foster carers) suggested this was a common problem. Representatives from local authorities with poor Ofsted ratings told the Inquiry they faced challenges in recruiting and retaining staff, including social workers, making it harder to provide stable relationships for young people.

The rest of this chapter explores the main factors affecting local authorities' capacity to facilitate stable relationships between children and families and their social workers.

## Coordinated approaches to working with locum staff

Wide-spread use of locum social workers in high numbers is linked to high levels of staff turnover, hindering the development of stable relationships. Whilst it should be stressed that locums have an important role to play, the Inquiry heard how the social work system encourages too many in the profession to work in this way.

Often, locum staff are incentivised to join an authority, for example through the offer of a 'golden hello', and provided with high wages and flexibility to switch authorities as regularly as they choose. In some parts of the country the proportion of locums is very high. In these areas locums often leave one service because another local service is offering higher wages or other perks. As outlined previously, this undermines stability as children and families are passed from one caseworker to another. Relationships do not have time to develop and social workers may lack detailed knowledge of the case history.

In some areas of the country local authorities are working together to combat this issue. The Inquiry heard evidence of one particular regional memorandum of understanding initiative that has been developed in the South East. Under this scheme, 18 local authorities each signed up to an agreement designed to keep the costs of locums down and discourage the constant churn of staff between

local authorities. There are guidelines on maximum pay, 'golden hellos', references and requirements around co-operation between local authorities to get poorly performing locums out of the system. This particular agreement also included a 'cooling off period' whereby it was agreed that if a permanent social worker chose to leave permanent employment to become a locum social worker, they would not be engaged as a locum in any of the 18 local authorities within six months of their leaving. The Inquiry heard that there was moral pressure on local authorities to follow to the rules of the memoranda and that this meant the system was working for this particular region.

The Inquiry heard that such a system could be expanded and strengthened with a national approach to managing locum staff. According to the APPGC's recent survey of directors of children's services, 80 per cent of children's social care services have voluntarily signed a regional memoranda of understanding on the use of locum staff.<sup>49</sup> The Inquiry is encouraged by high levels of services voluntarily signing up to these kinds of agreements. However, data from the same survey also showed that some services are still using high levels of agency staff. This averaged 16 per cent, but in five local authorities agency rates were above 40 per cent (100 per cent in one local authority).<sup>50</sup> This suggests memoranda, though helpful, are not sufficient as a means of tackling high turnover.

## Models of social work

The Government has recognised the importance of taking a new and innovative look at social work approaches across local authorities in order to improve outcomes for children. *Putting Children First* highlighted the importance of a clear focus on strong relationships in creating an effective children's social care system.<sup>51</sup> Similarly, our Inquiry received evidence that the approach and structure of social work teams can contribute to improving the quality of relationships between children and young people, and their social workers.

The Inquiry heard evidence about two overlapping social work methods that reportedly helped to improve outcomes for children. These were the 'relationship-based' approach and the 'neighbourhood' model. Dave Hill, President of the Association of Directors of Children's Services and Executive Director of People Commissioning, Essex County Council, pointed to the 'relationship-based' approach to social work as being good for both children and social workers, on the basis that it reduces administrative burden and allows social workers to spend more time on the frontline, developing direct relationships with young people and their families. This approach focuses on allowing social workers to build strong relationships with the families they are working with throughout

a case.<sup>52</sup> Andrew Christie, then Executive Director of Children's Services for the Tri-Borough (Kensington & Chelsea, Hammersmith & Fulham, and Westminster), told the Inquiry that Kensington and Chelsea used a more traditional 'neighbourhood' model of social work. Under this model, social workers adopt a relationship centred approach but are also allocated to a particular neighbourhood and are able to work with children and their families through the different stages of intervention, rather than children and families being passed between staff working exclusively on early help or child protection plans. This model can be beneficial as it promotes relationships through social work that need to be built up over a period of time. It also focuses on the needs of a particular neighbourhood and brings social workers and local communities together to improve services and support families throughout their period of need.

One particular example of innovative social work practice was provided by Surrey County Council. Surrey shared with the Inquiry its plan to improve support for children in care through social pedagogy and restorative practice. It emphasised the importance of listening to children in order to understand the challenges they face and build effective relationships.

## Reducing caseloads

High caseloads mean social workers do not have enough time to build strong relationships with children and families. The Education Select Committee also found that excessive caseloads could lead to 'extremely low' social work morale.<sup>53</sup>

The Inquiry found further evidence for this, suggesting that reduction in caseload is an important factor in helping to retain staff and achieve better outcomes for children in the long run. Several submissions indicated that reducing the number of cases per social worker was an important factor in reducing workplace pressure and enabling staff to establish higher quality relationships with families.

51 Department for Education (2016), *Putting Children First* p. 28.

52 Brighton and Hove, guidance, [https://www.brighton-hove.gov.uk/sites/brightonhove.gov.uk/files/Pod%20structure\\_2.pdf](https://www.brighton-hove.gov.uk/sites/brightonhove.gov.uk/files/Pod%20structure_2.pdf)

53 House of Commons of Education Select Committee (2016) *Social Work Reform*.

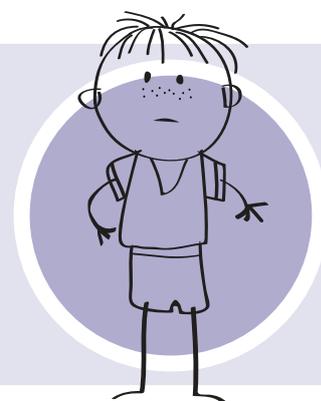
“How do you retain good social workers?... it is about giving them reasonable workloads, giving them good management and giving them the opportunity to do what they all say [they want to do] which is actually about doing relationship based social work... if you begin to provide more of those opportunities you will see people having a greater sense of reward out of frontline social work and staying in frontline social work.”

Andrew Christie, then Executive Director of Children’s Services for the Tri-borough (Kensington & Chelsea, Hammersmith & Fulham, and Westminster)

Despite wide ranging evidence of the impact of large caseloads on both staff and children, it is notable that the Inquiry heard evidence of a huge divergence between social worker caseloads across local authorities.

“When she’s [the social worker] late, it ruins my day because you’ll plan something but then you can’t go because you don’t know when she’ll be there. And then you try calling her, she’s not answering me. I was waiting for her all day and it’s sunny and I want to go with my friends.”

Child in care<sup>54</sup>



A number of local authorities giving evidence recommended 12 families per social worker as the optimum caseload. In Essex, where average caseloads have decreased in recent years from 25-40 per social worker to 12, the Inquiry heard that staff turnover also decreased and morale among social workers reportedly improved.

The Local Government Association’s ‘Standards for Employers of Social Work in England’ sets out guidance on ‘safe workloads and case allocation’ under ‘standard 3’.<sup>55</sup> They advise that all employers should use a workload management system that sets clear benchmarks for safe workloads in each service area and regularly assess each social worker’s caseload taking into account complexity of cases, capacity and need for supervision.<sup>56</sup>

However, despite clear guidance, the Inquiry heard evidence that services are not always following best practice in the way they manage social worker caseloads.

As discussed in chapter 1, rising demands and diminishing resource mean that local authorities are increasingly stretched in terms of capacity. This is likely to be a factor in explaining why they are not always able to adhere to the LGA guidance on caseload management. As already outlined, the Inquiry recommends that the Department for Education and the Department for Communities and Local Government conduct a review of resourcing of Children’s social care services. If more resource is required to help local authorities follow the guidance correctly then this should be provided.

54 Children’s Rights Alliance England (2015), See it, Say it, Change it: Submission to the UN Committee on the Rights of the Child from children in England.

55 Local Government Association (2011), Standards for Employers of Social Work in England.

56 Ibid.

# Essex Children's Services: In focus

In 2009 Essex Children's Services was rated 'inadequate' by Ofsted for the second time. Dave Hill, President of the Association of Directors of Children's Services and Executive Director of People Commissioning, Essex County Council, told the Inquiry how strong, inspirational leadership helped to transform the service. Following a period of change, Essex Children's Services received a rating of 'good' less than five years later.

Recruitment, training and development, and strong inspirational leadership were the hallmarks of Essex Children's Services' success. The Inquiry heard how Essex Children's Services managed to retain staff whilst reducing caseloads and shifting resource from administration to frontline work using a relationship based approach. Hill highlighted the correlation between low numbers of children in care and the quality of services. He told the Inquiry how a focus on training and a program to bring academics in to the office to share cutting edge practice with staff helped improve morale amongst social workers. At the time of giving evidence the vacancy rate stood at 4 per cent and Hill said the service was considering starting a reserve recruitment list.

Essex Children's Services provides an excellent example of how it is possible to turn a service around whilst minimising staff turnover and improving outcomes for children in the long term.

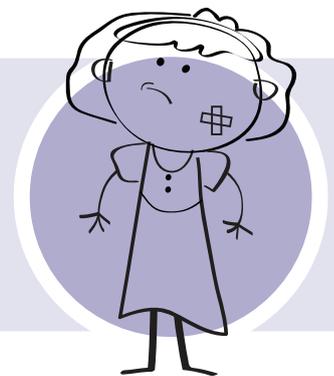
## Ensuring social workers feel valued and supported

The Government recently announced it would focus on improving skills development, quality leadership and supervision for social workers.<sup>57</sup> This is welcome, as the Inquiry heard that establishing a clear career structure with systematic support networks for social work staff has been an important factor for some services in improving outcomes, reducing dependency on agency staff, and raising the status of the profession.

In Essex, the Inquiry heard that there was a 'relentless focus' on recruitment, training and development of social workers to improve standards. All team managers in the authority undertook the Institute for Family Therapy's training programme in order to develop effective practice. It was reported that this kind of support was important to provide social workers with a sense of being valued and held in high esteem within their roles.

"I don't even see my social worker. My foster carer rang her up this morning to see if she still exists."

Child in care<sup>58</sup>



<sup>57</sup> Department for Education (2016) Putting Children First.

<sup>58</sup> Children's Rights Alliance England (2015). See it, Say it, Change it: Submission to the UN Committee on the Rights of the Child from children in England.

Several other submissions also highlighted the importance of supportive management structures for social workers. Some local authorities indicated that increasing management support and improving training to help embed a systematic approach to social work was important to retaining staff. Tri-borough Children's Services reported holding an annual 'Practice Week' where senior leaders spent a week working closely on cases with social workers to understand frontline issues and help provide further support. The Inquiry heard that this process enabled senior leadership to establish a good grip on standards of practice but also to learn from it.

"we've had complete and utter relentless focus on recruitment, retention, training and development of our social workers. So not just newly qualified [staff] but right the way through the most experienced people... we got people to think systemically about the work, we got people to think about what works as part of that programme of development... it just gives social workers a sense of being valued and doing work that is really held in high esteem. Our vacancy rate is about four per cent. Our staff are permanent."

Dave Hill, President of the Association of Directors of Children's Services and Executive Director of People Commissioning, Essex County Council.

## Improving development opportunities

As well as being supported and valued on a day-to-day basis, social workers need clear routes to development and progression to incentivise remaining in the profession.

Several submissions highlighted establishing links with a local university as helpful in supporting student progression and reducing social worker turnover. For example, Jim Taylor, Chief Executive of Salford Council and lead for the Greater Manchester Combined Authority children's portfolio, highlighted Salford Children's Services' close links to the local university as being important for staff development and a contributing factor to the service having one of the lowest rates of social work turnover in the country. The LGA has also published guidance on good practice in workforce planning which includes a recommendation that employers should 'ensure that workforce planning systems involve effective and strategic partnerships with higher education institutions'.<sup>59</sup>

In order to recruit social workers, Tri-borough Children's Services reported using the Government's Step Up and Frontline programmes to recruit high quality, newly qualified social workers and provide them with the right support throughout their careers. *Putting Children First* highlights the success of both these programs as alternative routes in bringing new social workers into the profession. The Government announced plans to expand both Step Up and Frontline to ensure all local authorities had access to at least one of these training routes and declared ambitions for 40 per cent child and family social work staff to come from one of these routes by 2020.<sup>60</sup> However, the benefits of this rollout are debatable as the durability of Frontline candidates has been questioned. Evidence suggests that just 42 per cent of Frontline trainees intend to remain in social work for seven or more years, compared with 73 per cent of students who studied social work at university.<sup>61</sup> Thus, whilst the Inquiry

<sup>59</sup> See Standard 2 of Local Government Association (2011), Standards for Employers of Social Work in England.

<sup>60</sup> Department for Education (2016) *Putting Children First*.

<sup>61</sup> House of Commons of Education Select Committee (2016) *Social Work Reform*.

recognises the perceived recruitment and training benefits of these programs for some local authority services in the short term, more needs to be done to ensure all local authorities have the workforce they need now and into the future.

Linked to this, the Inquiry also heard that there has been an increased focus on post-qualifying assessment of social workers in recent years which could be putting pressure on social work staff who are already contending with high workloads. In response to this, Professor June Thoburn, Emeritus Professor, School of Social Work, University of East Anglia, suggested that more attention should be paid to post-qualifying learning and how this could be built into career development planning to improve outcomes.<sup>62</sup> Professor Thoburn contributed her experiences

of individuals returning to study 30 years into their career and suggested that building post-qualifying learning into career development planning was a good way of retaining social workers long term. The Government has recognised the importance of investing in continued professional development for social workers and announced plans to expand the Assessed and Supported Year in Employment (ASYE) scheme, designed to assist new social workers become confident in practice.<sup>63</sup> The Government has also announced plans to establish a new professional development program aimed at supporting staff moving from frontline to more supervisory roles.<sup>64</sup> The Inquiry welcomes these steps and encourages continued support for social workers to ensure their professional competency and confidence remains as high as possible.



## Case study

Calderdale Metropolitan Borough Council recently undertook a series of reforms to tackle staff turnover. Management support was doubled so that each manager had a caseload of just three social workers. They also introduced a training programme for systematic methods and provided first line managers with further training focusing on embedding systematic principles and leadership. This combined approach worked well to develop support networks and peer relationships for staff. It has resulted in Calderdale attracting more experienced social workers at the recruitment stage and retaining happier, more permanent staff. At the time of submitting evidence to the Inquiry they had no agency staff.

<sup>62</sup> Professor Thoburn expressed these point in the questions and answer session at the end of the Inquiry evidence session 2.

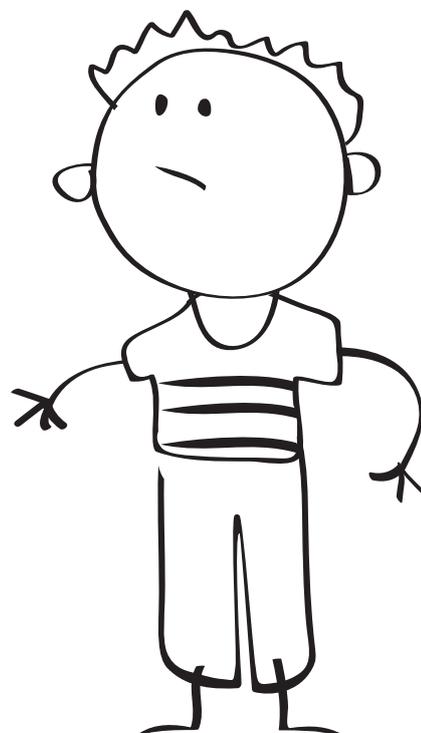
<sup>63</sup> Department for Education (2016) Putting Children First.

<sup>64</sup> Ibid.

Ofsted told the Inquiry that in order to drive improvement in the quality of care, professionals must be able to assess children's wellbeing on a number of measures, including the nature of their relationships with professionals. Initial findings from research by NCB, indicate that many professionals have an understanding of the importance of relationships, but practice is inconsistent.<sup>65</sup> There is no universal understanding of what wellbeing means for children in care, how it is measured, and how it can be promoted.

The Inquiry heard evidence of some good practice in this area. Steve Walker, Deputy Director for Safeguarding, Specialist and Targeted Services, Leeds City Council, told the Inquiry his department measures the quality of interactions with young people, not just the quantity. Another approach to measuring the wellbeing of looked after children, including in regards to their relationships, is being trialled through the Bright Spots programme. This is a partnership between Coram Voice and the University of Bristol to measure the wellbeing of looked after children, looking at indicators such as trusting relationships with carers and social workers.<sup>66</sup>

As noted earlier, it is welcome that *Putting Children First* emphasised the importance of relationships, which is also reflected in the 'corporate parenting principles' set out in the Children and Social Work Bill. However, the Government is yet to set out specific proposals for a definition of wellbeing or an outcomes framework which measures children's experiences.



<sup>65</sup> Ryder, R. (forthcoming) Measuring the emotional wellbeing of children in care. NCB.

<sup>66</sup> Coram Voice, 'More About Bright Spots'. <http://www.coramvoice.org.uk/professional-zone/more-about-bright-spots> [Accessed January 2017].

# 5. Giving children a say in their care

## Involving and empowering children in care planning

The Inquiry heard that children should be meaningfully involved in decisions that affect them. This includes listening to children's views on the planning and delivery of their own care.

The 'right to be heard' is enshrined in Article 12 of the United Nations Convention on the Rights of the Child (UNCRC).

**1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.**

**2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."<sup>67</sup>**

Despite hearing some examples of good practice, where children were able to contribute to their own care planning, the Inquiry also received evidence suggesting that, all too often, children's voices simply are not heard. This finding is reflected in the most recent report by the UN Committee on the Rights of the Child, examining the UK's compliance with the UNCRC. The Committee raised concerns about the lack of participation afforded to

children in care.<sup>68</sup> It stated that children's views are not 'systematically heard in policy-making on issues that affect them' and that 'many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges... or other professionals, in matters affecting them, including in family proceedings.'<sup>69</sup> In light of these findings, the Committee recommended that the Government should:

'establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities', and

'Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.'<sup>70</sup>

<sup>67</sup> United Nations, 'United Nations Convention on the Rights of the Child'.

<sup>68</sup> UN Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

# United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. It is the most widely ratified human rights treaty in the world and requires the Governments of ratifying states to meet the basic needs of children in their country and to help all children to reach their full potential.

## **The UNCRC is underpinned by four General Principles:**

- Non-discrimination (article 2);
- Best interest of the child (article 3);
- Right to life survival and development (article 6); and
- Right to be heard (article 12)

These four principles have a special status and are used as a guide to interpret and realise all 54 articles of the Convention. The United Kingdom ratified the UNCRC in 1990. Whilst it has not been incorporated into domestic law in the UK, since 1992 the Government has been bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child.

A large proportion of submissions from the charity sector emphasised the importance of involving children in their care planning. The Fostering Network told the Inquiry that

“children and young people should be involved in all decisions made about them, particularly when it involves placement moves or contact arrangements.”

Further to this, Natasha Finlayson, Chief Executive of Become, said that in her experience, young people often wanted to have a choice in where they live and go to school, and about whether or not they are able to see their parents or have meaningful contact with their siblings. Finlayson questioned whether individual social workers working with individual children always take the time to consider the child’s viewpoint in making these decisions and told the Inquiry:

‘children don’t always have to be given exactly what they want, but there has to be a respectful discussion about why they want it and what they need.’

The Inquiry heard evidence of variation in the extent to which looked after children have been involved in the planning of their own care. This finding is supported by recent research that found that just 19 per cent of children and young people with a care plan were involved in writing it, only 41 per cent were asked for their views on where they would be living, and just 43 per cent were asked how they felt about those they would be living with.<sup>71</sup> The Children's Commissioner's Office's 'Care Monitor Survey' also found that a large proportion of children and young people did not know why they were looked after by the local authority.<sup>72</sup> In addition, the survey found that many children were not kept informed about commitments made to them by professionals, such as finding a new placement, and a third of care leavers thought they left care at the wrong time (suggesting a lack of their involvement in the planning process).

Evidence to the Inquiry highlighted that decisions about placements for children in care have been increasingly driven by cost, rather than the interests, or indeed preferences, of the children in question.<sup>73</sup> For example, in some cases, stable placements have been disrupted just to save money.

The Inquiry heard directly from children and young people about their experiences of perceived failure within the system. One young person from Amplify<sup>74</sup> told the Inquiry that social workers 'hadn't listened to her' in relation to her placements. Another told the Inquiry he had failed to receive the booklet that all looked after children should receive explaining their entitlements. Notably, Become highlighted that even when services admit that things have gone wrong, all too often, young people never receive an apology – something young people have expressly said they would value when coming to terms with a difficult decision about their care.



"I recently had an advocate when social workers hadn't been dealing with my case properly. I had lots of placement moves which affected my education. I was able to get an advocate, and put in a complaint."

Young person from Amplify

71 Children's Rights Alliance England (2015). See it, Say it, Change it: Submission to the UN Committee on the Rights of the Child from children in England.

72 Office of the Children's Commissioner (2015) State of the Nation Report.

73 See written evidence from the Fostering Network and CoramBAAF.

74 Note. Amplify is the the participation group from the Children's Commissioner's Office.

The Inquiry heard that many children and young people are not aware of their legal entitlements or how to exercise them. For some children, access to an advocate can help to tackle this. The Children's Commissioner explained that

'an advocate supports, enables and empowers young people to be heard and will help them to raise problems and worries about their care with the professionals responsible'.<sup>75</sup>

Similarly, The Children's Society has described how an advocate can be helpful in ensuring that a young person's wishes are represented when major decisions are being made about their care plan.<sup>76</sup> However, in light of this evidence, the Inquiry was concerned to learn that 39 per cent of young people in care do not know how to access an advocate.<sup>77</sup>

Every child in care must have a care plan, which is scrutinised and reviewed by an Independent Reviewing Officer, or IRO. Crucially, IROs must challenge the local authority if they believe the plan is not in the best interests of the child. According to the National Association of Independent Reviewing Officers (NAIRO), part of the IRO's scrutiny role, involves listening carefully to the views of the child. Tiffany Green, Ambassador and Practice Manager, British Association of Social Workers told the Inquiry that 'IROs are indispensable because they come to a [social work] manager and highlight concerns', they are 'part of a child's voice' and 'need to be there to challenge'.<sup>78</sup>

## Involving children and young people in service design

Ofsted has concluded that proactively and regularly seeking and listening to the views of children and families is one of the hallmarks of effective local leadership.<sup>79</sup> This chimes with evidence received by the Inquiry which suggested that children should have the opportunity to participate in strategic decisions

about the services they need (as well as the opportunity to participate in decisions about their individual care). Natasha Finlayson, chief executive of Become, has said that one way to achieve this is for professionals to feel responsible 'to' young people rather than 'for' them.

<sup>75</sup> Office of the Children's Commissioner (2015) State of the Nation Report.

<sup>76</sup> The Children's Society (2012), The great value of advocacy for children in care.

<sup>77</sup> Office of the Children's Commissioner (2015) State of the Nation Report.

<sup>78</sup> NAIRO, 'The Role of the IRO' <http://nairo.org.uk/index.php> [Accessed January 2017].

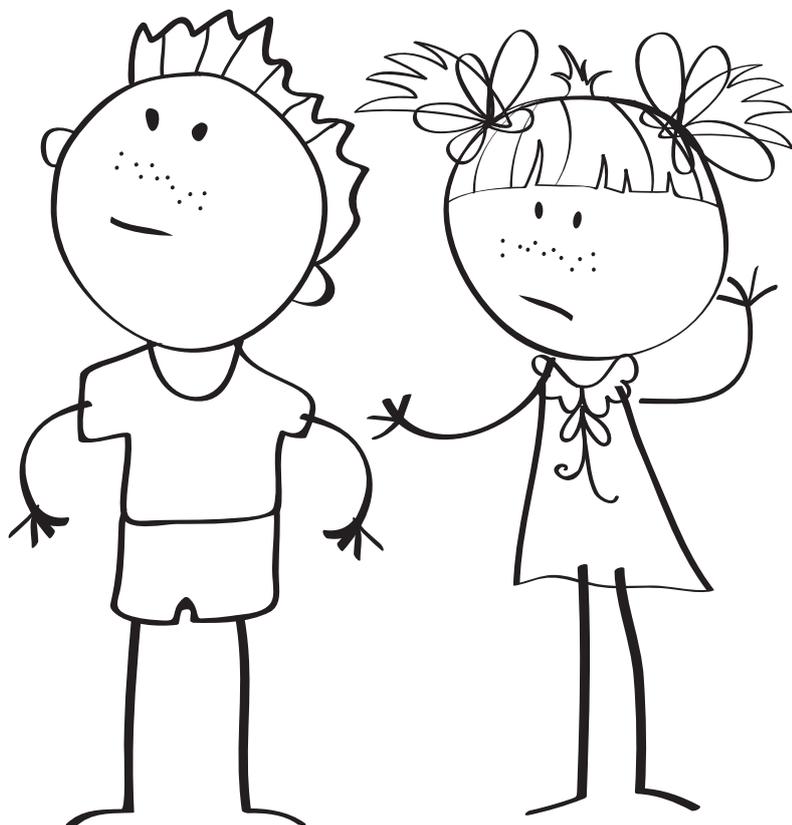
<sup>79</sup> Ofsted (2015), Joining the dots...Effective leadership of children's services

In giving evidence, Ofsted highlighted an example of good practice in Trafford where children and young people were provided with 'many opportunities' to contribute to the design of services and children's views were frequently 'listened to, taken seriously and acted on'.<sup>80</sup>

Additionally Cheshire West and Chester Council, and Hampshire Council (two authorities rated 'good' by Ofsted) attribute part of their success to their efforts to ensure children and young people are listened to.

The Inquiry heard that Children in Care Councils are a useful mechanism whereby children and young people's voices can be heard at a strategic level. One young person told the Inquiry that his Children in Care Council made it easier for young people's voices to be heard and gave him more confidence to speak out. Another talked about the benefit of the Care Leavers Council which enabled him to talk to other care leavers who share similar issues and to share ideas on how services to care leavers can be improved.

Importantly, Children in Care Councils are universal and good practice is widespread across the country. However, the Inquiry heard that there is still variation in the quality of this work. While the young people who have the opportunity to participate often report positive experiences of involvement with Children in Care Councils, even where successful groups are running in an area, not all children and young people are afforded the same opportunities to be involved. The Inquiry heard that engaging primary carers could be a route to recruit more children.



<sup>80</sup> See written evidence from Ofsted.

The Fostering Network emphasised that while Children in Care Councils provide an excellent method for engaging with young people they should be a more central part of children's services. Looking at best practice, the Fostering Network found that there are common characteristics of effective Children in Care Councils, namely:

- They are often clear what they are there for;
- They are good forums for the exchange of ideas;
- There was feedback on how ideas would be used;
- They were a good opportunity to form links with different stakeholders;
- There were dedicated ring fenced budgets; and

- They were well resourced and had developed structures for young people's engagement.

Given the success of Children in Care Councils in providing a mechanism for young people to participate in strategic decision making, the Inquiry believes this model of participation could be replicated for other areas of children's social care, such as the child protection system.

However, as noted previously, there is variation in good practice around children and young people's participation in their own care planning. To this end, the Inquiry believes that in order to ensure all children can be equally empowered to participate in these decisions there should be an evaluation of existing good practice.

## Case study: The New Belongings Project<sup>81</sup>

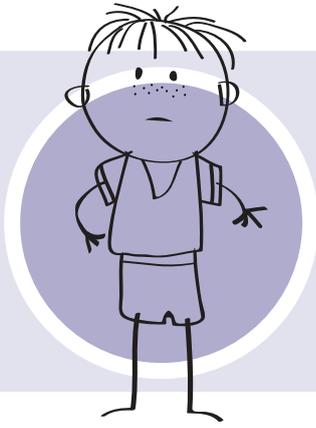
The New Belongings project ran between March 2013 and March 2016 in 28 local authorities, with the support of the Care Leavers' Foundation. It was established in response to evidence of poor outcomes for many children leaving care. It used a number of routes to engage care leavers in the design and improvement of local services. This included conducting surveys of 792 local care leavers to identify key issues that should be addressed. The project also created panels of local care leavers to provide advice and experience to participating local authorities.

In some cases local authorities expanded the participation of care leavers in the recruitment of personal advisors and in training personal advisors about care leaver experience to improve the quality of service given to care leavers. Leaders and councillors engaged with the New Belongings approach so that their authority could make the required improvements and changes to services, including improvements in joint working across agencies.



"I was part of my Children in Care Council where I felt listened to and involved. I express what should be done better and changes actually happen."

Young person, Amplify



"It's great knowing that ideas young people suggest are not just noted down and put aside. They are noted down and taken on board, they are discussed and the professionals get back to young people about whether their idea is going to happen, how it will happen and when."

Young person, Amplify

"Children in Care Councils play a vital role in ensuring children and young people with care experience have a say in their care and the issues that matter to them. Children in Care Councils bring together passionate and dedicated young people with those who run care services to share their experiences and ideas on how to improve the provision of care in their area."

Children's Commissioner for England<sup>82</sup>

## Case study: Child Rights Partners<sup>83</sup>

Child Rights Partners is a three year project during which Unicef is working in partnership with a small cohort of local authorities across the UK. The aim is to transform services for the most vulnerable children using a child rights-based approach. Each Unicef UK local authority partner is piloting the application of a child rights-based approach in a specific area of work, such as children's social care, early years or children's commissioning. For instance Newcastle is looking at applying a rights-based approach in their children's social care services.

*"Putting children's views and interests at the heart of planning and service delivery means that children will have ownership and hopefully recognise how their contributions have helped. A child rights-based approach provides a set of values and principles which supports reflective practice, enabling adults to actively listen and make sense of situations through the eyes of a child"* **Louise Cameron, Communities Facilitator, Newcastle City Council.**

<sup>82</sup> Care Leavers Foundation, 'New Belongings' [http://www.thecareleaversfoundation.org/About\\_New\\_Belongings](http://www.thecareleaversfoundation.org/About_New_Belongings) [Accessed January 2017]; Department for Education (2016), New Belongings: an evaluation.

<sup>83</sup> UNICEF, 'Which local authorities are child rights partners?' <https://www.unicef.org.uk/child-rights-partners/localauthority-partners/> [Accessed January 2017]; UNICEF, 'Child Rights in Newcastle' <https://www.unicef.org.uk/child-rights-partners/2015/11/20/child-rights-newcastle/> [Accessed January 2017].

## 6. Improving services for children and families across England

### A constructive approach to accountability and improvement

The children's social care system must be able to identify where children and families are not being supported properly. Local authorities also need the tools to inform and drive improvement. This must be overseen by an accountability regime that facilitates positive change.

Ofsted has a critical job in monitoring the quality of local services and challenging local authorities and service providers to improve. However, the Inquiry heard dissatisfaction with the current accountability framework, especially from local authorities.<sup>84</sup>

Some local authorities find it hard to understand why they have received a poor judgement. The LGA reported some of its members finding the inspection regime inconsistent, and emphasised frequent changes to the system over recent

years. On the other hand, some leaders in children's social care suggested that some local authorities find themselves 'in denial' about problems in their services, which can delay improvement.

The Inquiry heard widespread concern that actions taken following an 'inadequate' or 'requires improvement' judgement does not tend to facilitate improvement in the local authority concerned. Several local authorities and other experts in the field spoke of the destabilising effect of staff changes which often follow. Managers and leaders are often blamed for the failings and expected to leave, and the judgment has a demoralising impact on professionals overall. In chapter four, this report discussed the negative impact of workforce turnover on children and families and the ability of services to function effectively and efficiently.



"...the actions that currently follow an inadequate inspection judgement remain unacceptable and it is this which is causing damage, not the act of inspection itself. We need a system that is inspected and to the highest quality, but we have to resist the temptation to blame individuals and local authorities."

London Borough of Bexley

Dissatisfaction with the inspection regime, and (related) disruption to the stability of the workforce, can lead to a sense of helplessness amongst professionals working in challenging areas. The Inquiry heard that in the months following a poor inspection result, there is little, if any, support and constructive feedback available to local authorities.

The Inquiry was pleased to hear these issues are being addressed by ongoing national reforms. Ofsted told the Inquiry about a new approach to inspection, which will commence later this year. It will allow the regulator to identify and share good practice; to focus inspections on areas of work where an individual authority is struggling; and to provide

increased monitoring and feedback following an 'inadequate' judgement.

The Department for Education has also established the Partners in Practice Programme, which enables high performing local authorities to provide systematic peer to peer support to councils facing difficulties.<sup>85</sup>

However, widespread concerns were expressed about government plans to 'intervene strongly in cases of failure'. Local authorities could be given as little as six months to improve before having their children's social care department taken over by an independent trust. Several authorities suggested this policy did not reflect a realistic timeframe for significant improvement.

"Regime change sometimes makes things worse, especially if it lasts six to twelve months before being turned on its head again."

Anthony Douglas, Chief Executive, Cafcass

"Currently there is a mismatch between timescales and how long it takes to make sustainable improvement. There is a mismatch between the Department for Education and Ofsted in terms of timescales. Realistically you are looking at 2-3 years. In Essex it took five years. It will take [at least] 2-3 years to become ok."

Chief Executive of a local authority which had received an inadequate Ofsted rating

## Consistent access to strong senior leadership

Consistent access to strong senior leadership for every local authority is key to driving improvement. Currently, however, there is no comprehensive system in place to secure this.

A common theme among 'good' and 'outstanding' authorities was their strong leadership. The Inquiry received significant evidence highlighting the importance of high quality leadership at both a political and service level to ensure strong service delivery and continued improvement.

Several contributors indicated that it was possible for a service to fall from 'good' to less than good very quickly, and problems with senior leadership were often a contributing factor in this decline. Evidence highlighted that stability and clear leadership were 'fundamental' to service improvement.

This view was supported by a number of struggling authorities, which highlighted the importance of the chief executive in assisting directors of children's services to achieve

success, and spoke about the need for improved leadership across the board as the key to service improvement.

The Inquiry heard evidence that establishing new leadership following a negative Ofsted inspection, including through independent Children's Services Trusts, can help to address denial around the scale of the challenges faced by a local authority and shift the focus onto improving social services. As discussed earlier in this report, this was the case in Essex where the service was successfully turned around when strong leadership was brought in. Slough, a Children's Services Trust established by the DfE, also recognises the value of new leadership. Elaine Simpson, Chair of the Board at Slough Children's Services Trust, told the Inquiry that *"a service can only be as good as its director of children's services"*.

**"Quality of leadership at directors of children's service level and assistant director level absolutely vital."**

**Jim Taylor, Chief Executive for Services for Children, Greater Manchester Combined Authority**

Slough is aiming to be 'good' in three years and 'outstanding' in five.

The cited benefits of good leadership included:

- Supporting cultural change following negative inspection;
- Improving staff morale; and
- Improved cross sector partnership working.

Jim Taylor, Chief Executive for Services for Children, Manchester Combined Authority, emphasised that quality of leadership at director of children's services and assistant director level is as vital as corporate culture and partnership working. He emphasised that without one of these factors the 'wheels will come off' a service.

“A service can only be as good as its director of children’s services.”

Elaine Simpson, Chair of the Board, Slough Children’s Services Trust

Andrew Christie, then Tri-Borough Executive Director of Children’s Services, raised the issue of leadership capacity in the system. He highlighted that in recent years several local authorities have struggled to appoint a new director of children’s services or head of social care and talked about the need to create new capacity for good leaders to develop within the system. Christie advocated improved succession

planning and promotion of good middle leaders to more senior roles as one route to addressing this issue. Dave Hill, President of the Association of Directors of Children’s Services (ADCS) and Executive Director of People Commissioning, Essex County Council, told the Inquiry about an ADCS senior managers programme which had gained a lot of support and was helping to develop new leadership in the area.

“There is an issue of capacity in the system, because we were just talking about this today is that actually we have seen quite a few local authorities struggle to be able to appoint when they needed to appoint a new director of children’s services.”

Andrew Christie, then Executive Director of Tri-borough Children’s Services (Kensington & Chelsea, Hammersmith & Fulham, and Westminster)

It is clear that there is currently a shortage of high quality leaders and a lack of co-ordinated activity to develop existing members of the workforce into future leaders. This is problematic, as the Inquiry heard that staff turnover can have a rapid effect on diminishing quality of service provision. It also heard that good quality leadership is key to service improvement and therefore to improving outcomes for children.

To address this, the Government plans to accredit a new cohort of practice leaders from 2017 onwards, and the ambition is that all local authorities will have an accredited practice leader in post by 2020.<sup>86</sup> In our survey of directors of children’s services (January 2017) 54 per cent said their service planned to have accredited practice leaders in 2017.<sup>87</sup>

The Government emphasised in *Putting Children First* that it wants to embed peer to peer learning across local authorities, including through the Partners in Practice and the forthcoming What Works Centre, as well as initiatives led by the LGA and ADCS. The Inquiry heard consistently about the importance of strong leadership, which was discussed in more depth in chapter four. Local authorities that are struggling should be able to ‘buddy up’ with more successful services so that they can benefit from advice, experience and insight. This would help to spread good practice without creating instability.

<sup>86</sup> Department for Education (2016), *Putting Children First*.  
<sup>87</sup> See Annex 5, Question 4.

Relevant, reliable outcomes data is vital for holding services to account and driving improvement. There is an increasing need to develop a range of indicators of the quality of children's social care, measuring what matters to children, young people and families.

To maximise available resource for support and monitoring of struggling authorities, Ofsted's will inspect areas previously judged 'good' or 'outstanding' less frequently.<sup>88</sup> It will rely largely on monitoring data to identify

when the quality of service has deteriorated. There is therefore a clear need for a set of measurable outcomes to see where this has led to improvements. The current approach to supporting improvement in local authorities has been described by the National Audit Office as 'piecemeal'.<sup>89</sup> Experts consistently told the inquiry that local authorities needed support earlier, before failing an inspection. This, again, is reliant on information that can show early warning signs of services starting to struggle.

"We would like to see the introduction of an accountability framework, which is less reactive but more realistic and holistic than it currently is. This would enable evaluation of the effectiveness of the contributions made by each of the monitored agencies' safe-guarding partners and to protect children in a better way."

**Cllr Gillian Ford, Deputy Chair on the LGAs Children and Young People's Board**

Chapter three revealed the variation between local authorities as measured by key published statistics. It concluded that these variations are indicative of differences in local policy and practice rather than variations in the quality of service or the level of demand. This points to challenges in measuring performance.

However, local authorities do have access to a rich range of data from their internal records of assessments and support for children and families. Their capacity to make best use of this may, however, be limited, as front line social work and quality placements are prioritised over monitoring.

"Indicators collected to assess children's social care are often based on data items that are easy to record, rather than those data items that inform us about the quality of children's social care... Within the local authority there are a host of additional data items relating to children and young people, but performance management teams have been squeezed."

**Dr Lisa Holmes, Director, Centre for Child and Family Research, Loughborough University**

The Children's Commissioner for England told the Inquiry of her work to develop an indicator on the quality of relationships for children in care.<sup>90</sup> This is an example of innovative use of existing data to measure what really matters to children and young people. Reflecting the importance of relationships, as discussed in Chapter four, this indicator should be key part of how children's services are held to account in the future.

Alongside better use of data, local authorities must focus on a better understanding on children's lived experiences. A local authority may be able to satisfy itself that it has offered an adequate service or completed a process successfully but that does not guarantee that the child in question has realised the intended benefit. For example:

"Fifty percent of care leavers said they did not have a pathway plan. This was based on a very large sample about a thousand-young people. They may have actually had a pathway plan - but the fact that they didn't know they had a pathway plan thwarted the purpose of it."

**Natasha Finlayson, Chief Executive, Become**

Related to this, the Inquiry heard that children and young people should be more present in the minds of those working in social care when they think about accountability.

"If you are a young person, what does the idea of having a care system accountable to you actually mean? Do we know what young people talk about? They talk about issues such as social workers keeping promises and being honest with them, and about people keeping them informed."

**Natasha Finlayson, Chief Executive, Become**

The Children's Commissioner for England collects the views of children in care on their satisfaction with the support they receive. However, responses to this survey only provide a national picture. There is a clear need for collecting children's views in a way that can be disaggregated at a local level.

With better data on children and young people's experience and outcomes, Ofsted will be able to monitor the quality of services

and hold local authorities to account more effectively. The greater transparency this data brings will also mean all those advocating for vulnerable children and families can challenge the system as a whole where it is failing. Crucially, the impact of local authorities' efforts to innovate, protect and invest in services could be more easily understood. With a clear understanding of whether they are achieving for children what they set out to, services will be much better placed to improve.

<sup>90</sup> See oral evidence from the Children's Commissioner for England, Anne Longfield, evidence session 3.

# Conclusion and recommendations

The Inquiry found consistent evidence of a children's social care system struggling to keep pace with increasing and diversifying demand. Resource is focused on child protection, whilst preventative, early help and even statutory services for 'children in need' are facing cuts. In the short term, these tough choices seem inevitable, but the longer-term consequences must not be ignored. Late intervention means vulnerable children go longer without support, and develop greater needs.

At the same time, children's outcomes vary widely depending on where in the country they live. Local differences in policy and practice leads to a concerning "postcode lottery", exacerbated by the shortage of resource, which is forcing local authorities to make tough decisions.

## i) A system struggling to meet demand

Local authorities are no longer able to meet their statutory requirements towards vulnerable children and families, let alone provide preventative services or early intervention.

**1. The Department for Education and the Department for Communities and Local Government should conduct a review of resourcing of social care services.**

**2. The Government should incentivise investment in early intervention and prevention.**

**3. The Government should strengthen duties on schools, health services, police and other agencies, in the context of the new local safeguarding partnership arrangements.**

## ii) Supporting all 'Children in Need'

A survey of directors of children's services carried out by the Inquiry found that a staggering 89 per cent reported finding it increasingly challenging to fulfil their statutory duties under S. 17 in the last five years.<sup>91</sup> There is increasing evidence that local authorities cannot keep pace with rising demand, and that where children are in touch with services, interventions are focused on child protection concerns, rather than on identifying and responding to a broad range of needs.

**4. The Department for Education should consult on a review of the current framework for supporting 'children in need'.**

## iii) Variation in practice and outcomes

Vulnerable children and families are faced with a "postcode lottery". Local policies and practice vary widely, with significant implications for children's outcomes. Where a child lives may determine the likelihood that they are taken into care.

Whilst innovation is vital and must be supported, a strong statutory framework is essential so that children have clear, universal rights and entitlements, wherever they live.

**5. The Department for Education should commission an independent Inquiry into variation in access to children's services across England, and the impact on outcomes for vulnerable children.**

## iv) Supporting stable relationships

There is growing evidence about the importance of stability and positive relationships in helping children achieve positive outcomes.

However, stability is consistently undermined by staff shortages, high turnover of social workers and multiple care placements, with consequences for the quality of care. In some areas agency staff account for more than 40 per cent of social workers.<sup>92</sup>

**6. The Department for Education should develop a strategy to reduce churn in the children's social work system.**

**7. All local authorities should be required to sign a regional memorandum of understanding on the payment of locum staff.**

### v) Giving children a say in their care

Many councils follow good practice in involving children in strategic decision-making, including through Children in Care Councils. However, children are frequently not given the opportunity to participate meaningfully in decisions about their own support.

**8. The Department for Education should support and incentivise local authorities to improve participation practices so that vulnerable children play a meaningful role in their care.**

**9. Children's participation entitlements, including to advocacy and support from Independent Reviewing Officers (IROs), should be protected.**

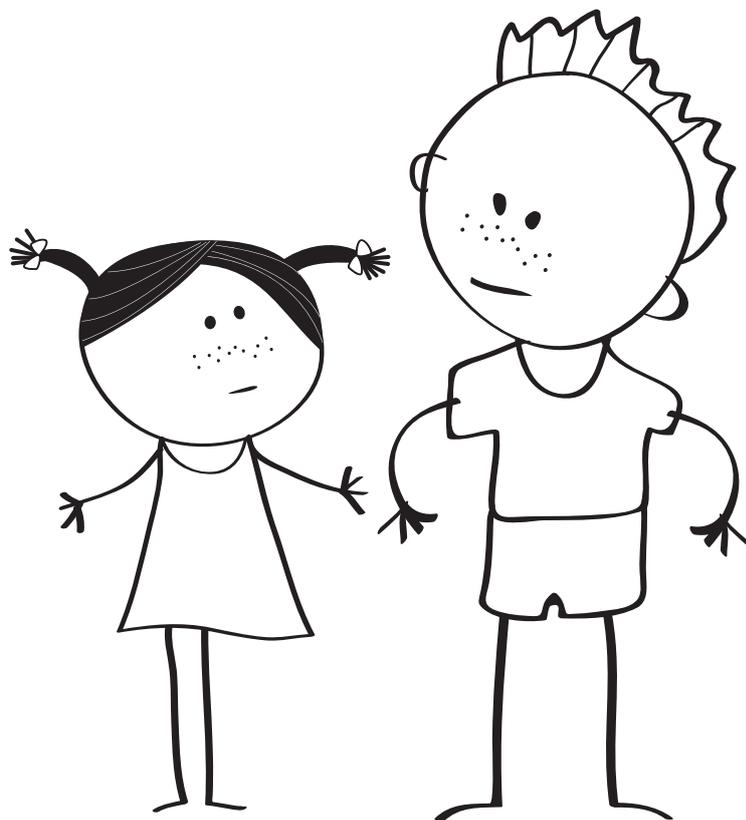
### vi) A new approach is needed to accountability and service improvement

Currently, when a local authority is judged 'inadequate' or 'requires improvement' by Ofsted, the response by central Government and the local authority itself often fails to drive improvement. Specifically, staff changes and uncertainty often lead to a period of instability for children's services, which can filter down to children and families. Often what is required is strong, stable leadership bolstered by external support.

**10. The Government should adopt a more flexible approach to intervening in failing children's services.**

**11. The Department for Education should develop an outcomes framework for children's social care to help drive practice improvement.**

**12. The Department for Education should work with the Local Government Association (LGA) and the Association of Directors of Children's Services (ADCS) to establish a national program for developing senior leaders and a 'buddying' system whereby failing local authorities partner with outstanding counterparts.**



<sup>92</sup> See Annex B, iv) Survey of Directors of Children's Services (DCS), question 2.

## Annex A: All Party Parliamentary Group for Children (APPGC)

Officers:

- Baroness Howarth of Breckland (Co-Chair)
- Tim Loughton MP (Co-Chair)
- Baroness Walmsley of West Derby (Vice-Chair)
- Kelly Tolhurst MP (Vice-Chair)
- Sarah Champion MP (Vice-Chair)
- Earl of Listowel (Secretary)
- Baroness Massey of Darwen (Treasurer)

The APPGC has more than 100 members: 58 MPs and 52 Peers. The National Children's Bureau (NCB) provides the secretariat.

More information can be found on the NCB website: [www.ncb.org.uk](http://www.ncb.org.uk)

## Annex B: The Social Care Inquiry

### i) Terms of reference

The All Party Parliamentary Group for Children (APPGC) has launched a new Inquiry to address local arrangements for the delivery of children's social care services in light of changes in resources and demand, a new inspection framework and diversity in performance and outcomes. While the focus of the Inquiry will be on services in England, the Inquiry will seek to draw upon evidence of challenges and effective responses across the devolved nations in order to share examples of practice across the UK.

Evidence indicates that, over the past five years in England, overall demand for children's social care services has increased, while English local authorities' spending power has decreased. The nature of children's need has also changed, with greater concerns, for example, about radicalisation and child sexual exploitation. In addition, children's social care services are implementing a range of reforms following recent changes to the legislative framework, such as those relating to special education needs and disability, and adoption. These are taking place at the same time as the implementation of reforms to social work practice led by the Chief Social Worker for children and families.

In light of these ongoing and emerging challenges facing children's social care services, the APPGC has decided to conduct an Inquiry to:

- bring together evidence about the current resourcing of children's social care services and changes in the nature and level of demand;
- explore the impact (or potential impact) of these changes on the delivery of children's social care services and on children and young people;
- build a picture of the key elements of a successful children's services department and the challenge facing areas that are struggling to improve, and share examples of good practice;
- assess whether changes are needed to policy and legislation in order to improve the delivery of children's social care services and in turn outcomes for children; and
- identify any learning that can be shared from Northern Ireland, Scotland and Wales.

Local authority leaders and service providers from across the United Kingdom will be invited to present examples of good practice in the delivery of children's social care services, and to outline the barriers to improvement they are facing. The Inquiry will also hear directly from children and young people about their experiences of children's social care services.

Oral evidence sessions will be held in Parliament between April and October 2016, and findings from the Inquiry will be published by early 2017.

### ii) Oral evidence sessions

The Social Care Inquiry was launched on 4 February 2016.

Between April 2016 and October 2016, the Inquiry held six public evidence sessions and one private evidence session. Witnesses from 25 organisations gave verbal evidence, including representatives from:

- 11 local authorities;
- four statutory bodies;
- three universities; and
- six community and voluntary sector organisations.

Three groups of young people also gave evidence.

### **Session 1: Changing need and demand. 18 April 2016**

- Anthony Douglas (Chief Executive, Cafcass)
- Dr Lisa Holmes (Director, Centre for Child and Family Research, Loughborough University)
- Ashley McDougall (Director of Social Service Delivery, National Audit Office)
- Eleanor Schooling (National Director for Social Care, Ofsted)

(Chair: Tim Loughton MP)

### **Session 2: New models of delivery and governance. 9 May 2016**

- Nicola Clemo (Chief Executive, Slough Children's Services Trust) and Elaine Simpson (Chair, Slough Children's Services Trust)
- Dave Hill (Executive Director of People Commissioning, Essex County Council and President of Association of Directors of Children's Services)
- Andrew Christie (formerly Executive Director of Children's Services for the Tri-borough (Kensington & Chelsea, Hammersmith & Fulham, and at the time of giving evidence))
- Jim Taylor (Portfolio Lead Chief Executive for Services for Children, Greater Manchester Combined Authority)

(Chair: Baroness Howarth)

### **Session 3: Children's Voices. 6 June 2016**

- Anne Longfield (The Children's Commissioner for England) and three young people from Amplify (the Children's Commissioner's participation group)

- Steve Walker (Deputy Director for Safeguarding, Specialist and Targeted Services, Leeds City Council), and two young people from Leeds Children in Care Council and Care Leavers Council
- Melissa Green (Director of Operations, The Fostering Network)

(Chair: Tim Loughton MP)

### **Session 4: Section 17 and 47 of the Children Act 1989. 11 July 2016**

- Professor Ray Jones (Professor of Social Work, Kingston University and St George's, University of London)
- Jim Leivers (Director, Children, Education and Families Directorate, Oxfordshire County Council)
- Kate Stanley (Director of Strategy, NSPCC)
- Tiffany Green (BASW England Ambassador and Practice Assessment Manager, BASW)

(Chair: Baroness Howarth)

### **Session 5: Early help for vulnerable children and early intervention services. 12 September 2016**

- Donna Molloy (Director of Dissemination, Early Intervention Foundation)
- Isabelle Trowler (Chief Social Worker, Department for Education)
- Young Advisers Bromley accompanied by Joseph Fitton and Liz Lake (Advocacy for All)
- Dr Michael Little (Creative Director, Dartington Social Research Unit)
- Gerald Meehan (Chief Executive at Cheshire West and Chester Council)

(Chair: Tim Loughton MP)

### **Session 6: Inspection and Accountability. 24 October 2016**

- Eleanor Schooling (National Director for Social Care, Ofsted)
- David Jones (Formerly Chair of Association of Independent LSCB Chairs)
- Cllr Gillian Ford (Children and Young People Board, Local Government Association (LGA))
- Natasha Finlayson (Chief Executive, Become (formerly known as Who Cares? Trust))

(Chair: Baroness Howarth)

## **Closed evidence session. 14 September 2016**

- Representatives from three local authorities who had received poor Ofsted ratings gave evidence in confidence.

(Co-chairs: Baroness Howarth and Tim Loughton MP)

Full minutes of the evidence sessions are available on the website

[www.ncb.org.uk/nogoodoptions](http://www.ncb.org.uk/nogoodoptions)

## **iii) Written evidence**

The call for written evidence was launched on 6 March 2016.

### **Submissions were received from:**

- 17 local authorities;
- 2 Local Safeguarding Children Boards;
- 3 representative organisations
- 6 academic institutions;
- 6 statutory bodies;
- 26 voluntary and community sector representatives; and
- 2 individuals.

### **Local authorities**

- Barnsley Metropolitan Borough Council
- Calderdale Metropolitan Borough Council
- Cheshire West & Chester Council and Halton Borough Council
- Essex County Council
- Hampshire County Council
- Herefordshire Council
- Kent County Council
- Leicestershire County Council
- Lewisham Borough Council
- London Borough of Bexley
- London Borough of Enfield
- Oxfordshire County Council
- Peterborough City Council
- Sefton Metropolitan Borough Council
- Stockport Metropolitan Borough Council
- Surrey County Council
- Wolverhampton City Council

## **Local Safeguarding Children Boards (LSCBs)**

- Hampshire Safeguarding Children Board and Isle of Wight Children Board (joint chair)
- Oxfordshire Safeguarding Children Board

## **Representative organisations**

- Association of Directors of Children's Services (ADCS)
- Local Government Association (LGA)
- Association of Independent LSCB Chairs

## **Statutory bodies**

- Belfast Health & Social Care Trust (on behalf of all Northern Ireland trusts)
- Children and Family Court Advisory and Support Service (CAFCASS)
- London Fire Brigade
- Office of the Children's Commissioner for England
- Ofsted
- West Mercia Police

## **Universities / academic institutions**

- Bristol Law School
- Dartington Social Research Unit (SRU)
- Kingston University and St George's, University of London
- Loughborough University
- University of Bedfordshire
- University of Leicester

## **Voluntary and community sector**

- British Association of Social Workers (BASW)
- Care Leavers Foundation
- Carers Trust
- Catch 22
- Chance UK
- Contact a Family
- Coram BAAF Adoption and Fostering Academy
- Coram Children's Legal Centre
- Families Need Fathers
- Family Therapeutic Community Trust
- Fostering Network

- Independent Children's Homes Association (ICHA)
- Missing People
- Nagalro –The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers
- National Association of Fostering Providers
- National Deaf Children's Society
- NSPCC
- Rainbow Trust
- Royal College of Paediatrics and Child Health
- Royal College of Nursing
- Safer Safeguarding Group
- Shropshire Parents and Carers Council
- The Adolescent and Children's Trust (TACT)
- The Association for Family Therapy & Systemic Practice in the UK
- Together for Short Lives
- The Children's Society

#### Individuals

- John Kemmis (previously Chief Executive of Voice)
- Sue Woolmoore (Sandstories and previously chair of Association of Independent LSCB Chairs)

The written submissions are available in full on the website [www.ncb.org.uk](http://www.ncb.org.uk)

#### iv) Survey of Directors of Children's Services (DCS)

On 8 December 2016, a survey was sent to all 152 Directors of Children's Services in England on behalf of Tim Loughton MP and the APPGC. The survey remained open until 26 January 2017. 79 Directors of Children's Services completed the survey.

**Question 1:** On the date of completing the survey, what is the children's social worker vacancy rate (%) in your local authority (including vacancies covered by agency staff)? [If you do not have figures for that date, please provide your latest snapshot vacancy rate and state which date they relate to]

Response: The average vacancy rate was 16 per cent.

**Question 2:** On the date of completing the survey, what is the children's social worker agency rate (per cent) in your local authority (the proportion of social work posts filled by agency workers)? [If you do not have figures for that date, please provide your latest snapshot agency rate and state which date they relate to]

Response: The average social worker agency rate was 16 per cent.

**Question 3:** Is your local authority part of a 'memorandum of understanding' or other agreement with other local authorities aimed at regulating the use of agency social work staff?

Response: 80 per cent of respondents said their local authority was part of a 'memorandum of understanding' or other agreement with other local authorities aimed at regulating the use of agency social work staff.

**Question 4:** Do you expect any of your current social work staff to be accredited as 'Practice Leaders' during 2017?

Response: 54 per cent of respondents said they expected their current social work staff to be accredited as 'Practice Leaders' during 2017.

**Question 5:** In your experience, over the last five years, has there been any change in your ability to fulfil duties and responsibilities towards children in need (as defined by S17 of the Children Act 1989)?

Response: 89 per cent of respondents said over the past five years it has become more challenging to fulfil duties and responsibilities towards children in need.

For further information on the APPGC and the Social Care Inquiry please see the website [www.ncb.org.uk/nogoodoptions](http://www.ncb.org.uk/nogoodoptions)

All Party Parliamentary Group for Children

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