



House of Commons

Children, Schools and Families  
Committee

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**Looked-after Children:  
Government Response  
to the Committee's  
Third Report of  
Session 2008–09**

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**Fourth Special Report of  
Session 2008–09**

*Ordered by The House of Commons  
to be printed 24 June 2009*

## The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

### Membership at time Special Report agreed

Mr Barry Sheerman MP (*Labour, Huddersfield*) (Chairman)  
Annette Brooke MP (*Liberal Democrat, Mid Dorset & Poole North*)  
Mr Douglas Carswell MP (*Conservative, Harwich*)  
Mr David Chaytor MP (*Labour, Bury North*)  
Mr John Heppell MP (*Labour, Nottingham East*)  
Mrs Sharon Hodgson MP (*Labour, Gateshead East & Washington West*)  
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Fiona Mactaggart MP (*Labour, Slough*)  
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Mr Graham Stuart MP (*Conservative, Beverley & Holderness*)  
Mr Edward Timpson MP (*Conservative, Crewe & Nantwich*)  
Derek Twigg MP (*Labour, Halton*)  
Lynda Waltho MP (*Labour, Stourbridge*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/csf/](http://www.parliament.uk/csf/)

### Committee staff

The current staff of the Committee are Kenneth Fox (Clerk), Sarah Thatcher, (Second Clerk), Emma Wisby (Committee Specialist), Judith Boyce (Committee Specialist), Jenny Nelson (Senior Committee Assistant), Kathryn Smith (Committee Assistant), Jim Lawford (Committee Support Assistant), and Brendan Greene (Office Support Assistant).

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# Fourth Special Report

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On 20 April 2009 we published our Third Report of this Session, *Looked-after Children*.<sup>1</sup> The Government's response was received on 18 June 2009 and is published as Appendix 1 to this Report.

## Appendix 1

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### **CHILDREN, SCHOOLS AND FAMILIES SELECT COMMITTEE REPORT ON LOOKED-AFTER CHILDREN: THE GOVERNMENT'S RESPONSE**

Thank you for your report into looked-after children. I have studied the report with great interest. It is a good and thorough analysis of the care system, how it is improving, and how it can be improved further in the future.

I am particularly grateful that you acknowledge the priority Government places on improving outcomes for looked-after children, and its commitment to achieving this.

We want to ensure that every child has the opportunity to lead a happy, healthy life and that no child is left behind. With the right support, children in care can and do succeed. Following unprecedented investment in this area in recent years we have seen a steady improvement in outcomes for children in care, including better educational attainment results and more care leavers than ever before in employment or training.

However, we very much want to improve outcomes further and faster. In November last year the Children and Young Persons Act 2008 received Royal Assent and strengthened the legislative framework of the care system. Our Care Matters programme and implementation plan, launched in 2008, is also starting to change practice on the ground:

- Children in Care Councils and Pledges are being set up in all local authorities;
- A wide range of pilot programmes to develop evidence based practice are up and running;
- Child Trust Fund top-ups of £100 are now available for all children who have been looked after for more than a year, and
- The Independent Reviewing Mechanism for fostering is now up and running.

This year we will go further by:

- Issuing revised statutory guidance on the health of children in care to local authorities and Primary Care Trusts (PCTs), which is currently out for consultation;

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<sup>1</sup> Third Report from the Children, Schools and Families Committee, Session 2008–09, *Looked-after Children*, HC111-I

- Making it a duty for all schools to have a designated teacher for children in care with responsibility for their educational outcomes. We recently consulted on guidance for this duty;
- Rolling out Virtual School Heads in local authorities to challenge schools about progress of particular pupils and oversee the educational attainment of all the looked after children in the local authority area;
- Working with the Children’s Workforce Development Council (CWDC) and stakeholders on a wider professional development framework for social workers, foster carers and residential workers;
- Rolling out Fostering Changes, a training and support programme for foster carers to help prevent placement breakdown;
- Working with all local authorities and national employers to deliver a new National Employment Support Programme to improve care leaver pathways into employment, and
- Delivering new regulations and statutory guidance as part of the implementation of the Children and Young Persons Act 2008 to support improved practice, including greater emphasis on evidence based practice.

As we implement the *Care Matters* programme we will continue to consult and listen to the views of stakeholders and in particular the views of children and young people in care. I am pleased the Committee believes the development and implementation of *Care Matters* is in “*many ways an exemplary way for policy to be developed and implemented and the Government is to be congratulated for a thorough and serious consultative process.*” I am strongly committed to ensuring this continues to be the case.

I have set out below my response on your individual recommendations following the structure of your report.

The Select Committee’s recommendations are in bold text.

The Government’s response is in plain text.

Some of the recommendations and responses have been grouped.

## **Building a care system founded on good relationships**

**1. We believe that the greatest gains in reforming our care system are to be made in identifying and removing whatever barriers are obstructing the development of good personal relationships, and putting in place all possible means of supporting such relationships where they occur. (Paragraph 29)**

## Relationships between children's services and families

2. It is imperative that constructive relationships between children's services and the family are established at the outset, maintained while the child is in care, and continued when they return home. (Paragraph 31)

3. In the wake of Lord Laming's review of safeguarding, we hope that the important contribution made by universal and preventative services to keeping children safe will be reaffirmed. Unfortunately, even the best child protection systems will not be capable of eradicating child murder, but we are convinced that better early intervention is vital in reducing the likelihood of child misery and ensuring children's wellbeing. (Paragraph 35)

4. Focusing the efforts of social workers on child protection cases is, we believe, a practical response to resource constraints and the prevailing public view of the profession, rather than the ideal situation. This focus fails to realise the potential of social work to effect positive change in families, and means that the stakes of interactions are too high. We urge the Social Work Taskforce to consider ways in which social workers can be freed up to work with families before problems become acute. Specifically, we look forward to their conclusions about the extent to which administrative tasks prevent social workers spending time with families. (Paragraph 40)

## Relationships between social workers and looked-after children

5. A new impetus is needed for children's social work recruitment, particularly in the light of diminishing public confidence in the profession. We are pleased to note that the Government has, in the Children's Workforce Development Strategy published in December 2008, decided to involve the Training and Development Agency in this task, and we will maintain a keen interest in how effectively it performs. (Paragraph 43)

The Government agrees with the Committee that the individual relationships between social workers, residential and foster carers with children in care and their families are crucial and that the care system should be seen as part of a continuum of effective family support services rather than as something separate and distinct. It is also the case that where there are strong attachments between children and at least one adult we know that children are happier and achieve better outcomes.

The Government is committed to improving the skills and competencies of foster and residential carers to support them in building strong relationships with the children and young people they look after, helping them to take good decisions about their care. The *Care Matters* Implementation Plan sets out a programme of work to achieve these aims. This includes much better training and support for foster carers through the roll out of the Fostering Changes programme and piloting the social pedagogy model in residential children's homes.

The Government also agrees with the Committee that supporting relationships with family members is important. Most children are only in care for short periods and a primary aim is to try and settle them back with their parents wherever this is possible and appropriate.

Even where children are likely to remain in care for the long term, most children want to maintain their links with their family.

The Government agrees with the Committee that safeguarding is everyone's responsibility and that universal and preventive services must play a crucial role in this. Keeping children and young people safe is a top priority for this Government. Our Every Child Matters Programme has introduced significant reforms to strengthen children's services and to prevent and tackle child abuse. More recently, in response to Lord Laming's report, we've introduced new legislation, we are revising the core guidance and we have appointed Sir Roger Singleton as the first Chief Adviser on the Safety of Children. The new National Safeguarding Delivery Unit will help drive a more integrated approach to keeping children safe across Government as well as working to make the best safeguarding practice common practice in all local areas.

The Government is fully committed to acting to secure improvements in social work, which has a crucial role in supporting families. The Social Work Task Force is looking at all the issues that the Committee has identified as important in social work reform. The Government has asked them to conduct a 'nuts and bolts' review of social work and to make recommendations which will inform the long term programme of reform that the Government has pledged to bring forward. The Task Force will consider fully the Committee's findings and recommendations.

Social workers play a vital role in society, and what matters most to children and families is the support they receive on a day to day basis from front line services. The Government is committed to ensuring that social workers have the capacity, skills and support to carry out their demanding roles, including the required management skills and professional judgement.

**6. The piloting of Newly Qualified Social Worker Status is welcome, and the success of this initiative should at least partly be judged by its effect on vacancy rates. (Paragraph 45)**

The recruitment and retention of social workers is of major importance and the Government is seeking to address this in a number of ways. A Graduate Recruitment Scheme and a Return to Social Work Scheme to increase supply into the profession, informed by the Social Work Task Force, has already been launched. The Government announced last month that the Newly Qualified Social Worker programme, which provides supported induction and supervision for social workers in their first year of practice, will be available to all new children and families social workers from this autumn.

A large scale social work marketing campaign will be launched later this year. The Government also announced in May a new £58 million 'Social Work Transformation Fund' to provide an immediate boost to social work training and support, as well as to recruitment and retention. This is in addition to the £73m the Government announced in April last year to support frontline children and families social workers.

**7. We recommend that the Government consider, through the Social Work Taskforce or otherwise, the practicalities and possible benefits of guidance specifying optimum caseloads for children's social workers. (Paragraph 47)**

The Task Force's remit is to look at the whole of the social work profession, including more preventative social work with children and families and work with children and young people in care.

The Government has specifically asked them to focus on front line practice in the different areas of social work and how this makes a difference to outcomes. One of the things they are doing is conducting a workload survey intended to reach up to 1000 social workers in the full range of settings, which will give a picture of how social workers are able to use their time at the moment and what might be done to address any problems.

The Task Force is also advising the Government on how Lord Laming's recommendations should be implemented. Lord Laming's work relates to the whole of children and families social work, although he focused primarily on safeguarding. Like the Select Committee, he is concerned about caseloads and the Task Force will be advising on how optimal caseloads can be achieved.

**8. While we welcome the opportunity for innovation, it is not clear to us that the Remodelling Social Work pilots have been designed to address directly the wishes of children in care about their relationship with their social worker. We seek reassurance that evaluation of the pilot programmes will provide robust evidence of ways to achieve these specific aims. (Paragraph 49)**

The Remodelling the Delivery of Social Work pilots, run by CWDC, were established with the aim of looking at new ways of organising working practices, organising staff teams more effectively, and looking at how to provide more contact between social workers and children and young people. The focus of these pilots was never intended to be solely about children in care. A number of the pilot areas are however looking at how to improve the delivery of social work for children in care (others are looking at improving early intervention). Where the pilots are focusing on looked after children, children's wishes for their relationship with their social worker will form an important part of CWDC's evaluation.

**9. We recommend that other examples of innovative local authority practice which aim to improve children's relationships with social workers be considered and evaluated alongside the Children's Workforce Development Council's Remodelling Social Work programme. (Paragraph 50)**

The Government agrees on the need to look at all innovative practice and will work with the CWDC to consider how this can be done.

**10. We ask the Government to examine carefully whether independent practices might lead to greater compartmentalisation of social work tasks, rather than the continuity we believe is desirable. We urge the Government to ensure that the views of children and young people are given particular prominence in the evaluation of the pilots. (Paragraph 56)**

**11. Independent Social Work Practices seem to offer the potential to address many of the long-standing problems in the relationships between looked-after children and their social workers, and we welcome the piloting process. However, if independent practices are found to create insurmountable problems, or are not deemed workable by**

**all local authorities, other ways will still have to be found to change the structures of social work to promote better relationships. The Government must not delay in investigating other solutions that can be adopted by all local authorities. (Paragraph 57)**

Social Work Practices (SWPs) will be independent, social worker-led organisations that contract with the local authority to provide social work services to children in care.

Pilots in six local authorities (Blackburn with Darwen, Hillingdon, Kent, Liverpool, Staffordshire and Sandwell) were announced as part of the Workforce Strategy in December 2008. These local authorities are currently tendering for providers. Once this stage is complete, contract negotiations will begin, with a view to the Social Work Practices “going live” in autumn 2009. The Government will consider very carefully the evaluation of the pilots, within which the views of children and young people will be critical, in the light of the recommendations of the Social Work Task Force. Social Work Practices are just one of a number of ways in which Government is exploring how best to deliver social care services. We are aware that there are some other innovative approaches to organising and supporting social work being developed in local areas, including in Hackney—about which the Committee took oral evidence as part of its deliberations. We are watching progress with considerable interest.

## Relationships between the child and their carer

**12. Foster care approval processes should be reviewed to ensure that they are capable of identifying and assessing the most important personal qualities. Important as training is, fostering agencies must require that those who look after children possess the personal qualities needed to deliver genuinely warm and secure family life. (Paragraph 60)**

Of course I agree that all looked after children need to have kind, understanding and committed carers. The National Minimum Standards (which are used by Ofsted to inspect all fostering service providers) make clear that fostering service providers should have foster carers who provide a safe, healthy and nurturing environment. In addition, the standards require that the fostering service provider, in assessing the suitability of the carer, takes into account a range of qualities, competencies and aptitudes for fostering. This includes the need to help the child make sense of their past, promoting secure attachments between children and appropriate adults, and the foster carer’s approach to bringing up children. All of this requires the provider to look at the personal qualities and motivations of the carer which are so important to successful outcomes for the child.

As part of the assessment process for potential foster carers, Schedule 3 of the Fostering Services Regulations 2002 states that the fostering service provider must obtain information about the person’s skills, competence and potential, relevant to their capacity to care effectively for a child placed with them. They must also obtain personal references for the person.

Foster carers are supervised by their social worker and receive at least one unannounced visit a year. A foster carer’s approval is reviewed at least annually and the views of the child



are taken into account, as well as those of the foster carer and any local authority who has placed a child with the carer in the preceding year.

**13. We ask the Government to enforce rigorously the requirement for foster placement agreements. (Paragraph 66)**

Foster Placement Agreements are already strictly enforced and regulated. The law is clear that placements should not be made without a placement agreement in place. Regulation 34(3) of the Fostering Services Regulations 2002 requires all fostering service providers to enter into a written agreement with the foster carer relating to the child before the placement is made, which covers issues specified in Schedule 6 of the same regulations. The Foster Placement Agreement includes information that the fostering service provider considers necessary to enable the foster carer to care for the child. Ofsted inspect against the Regulations which set this out and, in view of the Committee's concern, we have asked them to pay particular attention to checking in all future inspections that placement agreements are in place before placements are made. The Government will also remind LAs about their legal responsibilities on this issue in revised statutory guidance on the Children Act 1989.

During the passage of the Children and Young Persons Act 2008, the Government announced its intention to amend the Fostering Services Regulations 2002 so that Placement Agreements are reviewed annually, or whenever there is a substantive change in the placement. This should ensure that the Placement Agreement is kept up to date and the carer and provider are clear about its content.

**14. *Care Matters* adopts too narrow a view of 'support' for foster carers, concentrating mainly on developing their own training and skills. Important as this is, foster carers should also be able to expect a detailed specification of the practical and financial support that will be provided to them and their families to maintain placements and help children develop, including the education and health services that will be available. (Paragraph 67)**

*Care Matters* gives priority to supporting foster carers to develop their own training and skills, which will allow them to respond more appropriately to children in their care, promoting placement stability. However, the Government agrees with the Committee that foster carers should also be given practical support, including financial support and information about how to access education and health services.

More generally, we agree that there is a need to improve the support that CAMHS services provide to children in care, and this is addressed under the Committee's recommendation number 44.

The Government has introduced a personal education allowance of £500 a year for each child in care at risk of not reaching expected levels of attainment, to give them greater access to extended services, personal tuition outside school, and trips and visits that will enrich their learning. In our revised guidance we will ask local authorities to inform foster carers about this funding.

The stresses placed on foster carers by the need to respond to challenging behaviour, without the right support, can be a cause of placement breakdown. That is why the

Government has funded a number of initiatives in recent years to improve the support for foster carers. These initiatives include:

- working with the Children’s Workforce Development Council to develop the Foster Care Training, Support and Development Standards, which describes the skills and competences that all foster carers should be supported to achieve;
- piloting the Multidimensional Treatment Foster Care (MTFC) programme. This programme is an intervention targeting children with the most challenging needs for whom more conventional approaches do not offer an effective solution. It uses social learning theory to provide both a structured and therapeutic environment. The pilots have already enabled many children to move to long term foster placements, where otherwise they may have had difficulty achieving any placement stability;
- the Care Matters White Paper commitment to exploring how elements of the MTFC model could support regular foster care. The Government is working with five local authorities to pilot the KEEP Intervention Project (Keeping Foster Carers Safe and Supported). The aim of the KEEP project is to increase the parenting skills of foster and kinship carers to reduce the likelihood of placement disruption, promote positive relationships and improve child outcomes. The programme will help foster carers use effective parenting strategies and provide them with the support to do so. This will strengthen the foster carer’s confidence and skills to manage difficult behaviours.
- funding a national roll out of the Fostering Changes programme. This programme uses a practical, skills-based, cognitive behavioural approach to train foster carers. Its aim is to equip foster carers with the skills to respond appropriately and positively to the children they care for and to develop capacity to use positive parenting techniques to manage difficult and challenging child behaviour;
- introducing a national minimum allowance for foster carers in 2007 to ensure that no foster carer is left out of pocket due to the cost of looking after a child placed with them. The Government is amending the National Minimum Standards to make clear to fostering service providers that they should publish a clear statement of what foster carers will be paid. The amendments will also make clear that fostering service providers who pay a fee to their foster carers should continue to do so whilst an allegation is investigated;
- funding Fosterline, a national, independent advice line for foster carers.

**15. We recommend that the Government strengthen its guidance about planning for long-term foster care, and include in this guidance the financial and other support that should be available to help maintain long-term placements. (Paragraph 68)**

A child’s care plan should include the plan for achieving permanence in their lives. Every effort should be made to encourage the rehabilitation of the child with their parents, where this is the most appropriate way to safeguard and promote the child’s welfare. If this is not possible, then a residence order, special guardianship order or adoption can provide a stable home for a child. In some cases, long term foster care will be the most appropriate

option, but it must be a positive option and decision underpinned by clear arrangements for current and future support. Revised Children Act guidance, to be consulted on later this year, will highlight the need to provide services to maintain the long term placement if there are difficulties, in the same way as services are provided to keep a child in their birth family, rather than removing the child. The new requirement for placement agreement to be reviewed at least annually will ensure that long placement arrangements are discussed regularly and concerns are addressed, including about the support that is available to the foster carer.

With respect to financial support, all foster carers, whether the child is placed with them long term or short term, should receive at least the national minimum fostering allowance set by the Government. This covers the full cost of caring for the child, regardless of whether the foster carer is caring for a child on a short-term or long-term basis. The Government has published good practice guidance to help fostering services organise their payment systems. The guidance is clear that payments should be subject to ongoing review to ensure that they continue to reflect the needs of the child. We will amend the National Minimum Standards to make clear to fostering service providers that they should publish a clear and transparent policy regarding their payment structures for foster carers.

**16. We are pleased to note the prominence being given in *Care Matters* and in the Public Law Outline to family and friends care as an option of first resort. An increase in these placements will be neither possible nor desirable, however, without more consistent and equitable services and support for family and friends carers. The specifications of support for foster carers recommended elsewhere in this Report should include these carers, taking into account the distinctive task and context of family and friends care. (Paragraph 73)**

The Government recognises the important role played by family members and friends in taking care of children who cannot be cared for by their parents. The Children Act 1989 already places a duty on local authorities to support the upbringing of children by their families wherever possible. This has been strengthened by the Children and Young Persons Act 2008 and will be further reinforced in the revised Children Act 1989 regulations and guidance to be published for consultation in the autumn.

The Government is aware that, in some areas of the country, there is a lack of support and recognition for friends and family carers. We will strengthen the framework to set clearer expectations of an effective service to support these children and families.

To help local authorities meet their duties in this area, the Government will issue statutory guidance, as part of the revised Children Act Guidance, which will identify barriers to more effective use of family and friends care and good practice. The guidance will seek to address current variations in the use of family and friends placements, a lack of policy frameworks at local level, lack of transparency in entitlements and the suitability of approval processes for the carer where the child is a looked after child. It will cover how longer term support provided under section 17 of the Children Act 1989, as well as tax and benefits entitlements, can be used to support permanence for the child.

Where a child is placed with their relative or friend by the local authority, and so is a looked after child, the relative or friend must become approved as a foster carer. Since the

Munby judgment of September 2001, local authorities have been required to set their rates of fostering allowance in a way that does not discriminate between foster carers who are related to the child and those who are not. This is subject to Ofsted inspection.

**17. We recommend that the Government’s promised new framework for family and friends care take full account of the very many children who are supported in this way outside the legal boundaries of the care system, while having needs comparable to those within it. We ask the Government to give careful consideration to ways in which those carers and children might be supported more thoroughly and consistently, including through the benefits system, without bringing children formally into care solely as a trigger for support. (Paragraph 74)**

Where a child being cared for by a relative or friend is not a looked after child, the carer is entitled to claim child benefit and to apply for child tax credits on the same basis as parents, subject to the usual eligibility criteria. If a relative or friend is bringing up a child single-handed and can’t go out to work, they can claim Income Support on the same basis as other lone parents.

Where a child is assessed as being “in need”, the Children and Young Persons Act 2008 amended section 17 of the Children Act 1989 to remove the barrier to local authorities providing longer term financial aid to support the welfare and upbringing of such children by their families. The new guidance will include examples of these kinds of arrangements.

Where a child who is not looked after is living with a carer who is not a close relative with the intention that the arrangement will be for 28 days or more, the arrangements will be subject to the Private Fostering Regulations. There is a legal requirement on the carer, the parent and any other person involved in making a private fostering arrangement to notify the local authority of the arrangement. The local authority will then take steps to ensure the arrangement is suitable and safe for the child and offer advice and support to the carer as necessary.

**18. Local authorities need more persuasion and reassurance to delegate responsibility for everyday decisions to carers who know a child well, so that their life in care can be ‘normalised’ as much as possible. Guidance should encourage a presumption in favour of delegation, and care plan reviews should be used as an opportunity to consider whether more responsibility should be delegated to the carer of the child concerned. Specifically, the Government should reconsider the process for allocating Personal Education Allowances to encourage greater involvement of foster carers. (Paragraph 80)**

The Government agrees with the Committee that looked after children should have the opportunity for as normal an upbringing as possible, and that foster carers should be able to make day to day decisions affecting the child they care for.

The delegation of responsibility is an important issue, and the Government has awarded Fostering Network £120,000 over 2009–2011 to consult with stakeholders and develop a toolkit on delegated responsibility. The toolkit will take account of the legal requirements which may impact on delegation of responsibility.

Guidance on how to ensure looked after children benefit from Personal Education Allowances was issued in May 2008. This states that it is the responsibility of local authorities to establish a process for ensuring these allowances reach children and that the process is understood by carers. The Government is keeping a watching brief on the implementation of Personal Education Allowances, and guidance will be reviewed if they are not implemented effectively.

Guidance issued in 2004 provides information to carers to help them support young people in their care through education. The Government is considering what further steps should be taken to support carers' involvement in the education of the children they care for. The Fostering Changes Programme, which is being rolled out nationally, has specific modules which support the engagement of foster carers in children's learning. The MTFC Programme also emphasises the role of foster carers in supporting educational attainment.

### The importance of placement supply

**19. We recommend that the Government assess at a national level the supply of placements that will be needed to make the *Care Matters* reforms a reality. The problem of how to ensure sufficient placements cannot be solved merely by imposing a new duty on local authorities; the Government must do more to enable them to meet it without making any compromises on quality. (Paragraph 88)**

Local authorities are best placed to know the needs of the looked after children in their area and to ensure that they commission sufficient placements to meet those needs effectively. However, the Government has made support available through the Commissioning Support Programme to help local authorities in commissioning across children's services. This will include support around placements for looked after children where authorities, with the aid of the Programme, have identified a need for support in that area.

### Foster care

**20. While local circumstances and the many different types of foster care will always require some variation, we cannot expect more people to consider fostering as a potential career without greater clarity about the financial terms that are on offer. We recommend that a national framework for fee payments be developed, and that it include stipulations about 52-week payments or retainers when foster carers do not have placements. (Paragraph 93)**

The fostering allowance is to meet the costs of caring for the child, so it is appropriate that a minimum rate is set. It would not be appropriate for central government to determine the level of fee which individual carers should receive, as this is in recognition of the time, skills and experience a foster carer brings to the role, and so depends on a wide range of factors, such as the carer's experience and expertise.

The way in which providers structure their payment system is extremely diverse, taking account for example of levels of training, qualifications, experience, and the needs of the child in placement. The solution is not necessarily a single model, but transparency for carers about the payments they receive and the circumstances in which they are made. The

Government is amending the National Minimum Standards to require local authorities to publish details of the way in which their payment systems are structured.

**21. We recommend that the Government reconsider its opposition to a national registration scheme for foster carers. We believe that such a scheme would be a useful tool to improve quality and take-up of training, and to cement the status of foster carers in the teams of professionals caring for a child. (Paragraph 94)**

Foster carers are substantially different from other groups which are registered and regulated by a central body. Foster carers are already approved, and strictly regulated, through a local approval process set out in legislation. The introduction of a national registration scheme would not be compatible with this.

The status and profile of foster carers will not necessarily be enhanced by a national registration scheme. Under existing legislation, carers' performance must be reviewed regularly, and the Government has funded the Children's Workforce Development Council to develop a set of 'training and development standards' for foster carers.

**22. We consider it unacceptable that foster carers are not afforded the same considerations as other professionals in the children's workforce when an allegation is made against them. We ask the Government to stipulate that carers continue to receive fee and allowance payments while an allegation against them is being investigated. (Paragraph 95)**

The Government has announced its intention to amend the National Minimum Standards to make clear that fostering providers, who usually pay their foster carers a fee, should continue to pay it whilst an allegation is investigated. The fee should be paid at the same level as would have been paid had the child or children not been removed from the placement. Payment of the fee should continue until the allegation has been resolved.

The allowance is to meet the cost of caring for the child, so it would not be appropriate to require it to be paid if the foster child or children have been removed whilst the allegation is investigated. However, the local authority or other provider may want to consider continuing to pay at least an element of the allowance if there are special circumstances.

## **Residential care**

**23. We welcome the Government's investment in programmes that aim to improve the capacity of foster placements to benefit the most challenging young people. We hope that this will allow residential care to be considered on its merits rather than as a last resort for children who have been especially difficult to place elsewhere. (Paragraph 97)**

**24. We recommend that the Government commission research on the flexible use of residential care as part of a planned package of care, and that it consider the resource and structural implications of enabling such uses. (Paragraph 100)**

**25. We recommend that the Government show its commitment to addressing underperformance against the current National Minimum Standards for staff qualifications by making the Level 3 NVQ mandatory at the soonest practicable opportunity, and by analysing the reasons for the persistent failure of the sector to meet**

**this standard. In the long term, a more coherent and ambitious strategy for the residential care workforce must be a priority, above and beyond the set of professional standards promised by the 2020 Children’s Workforce Strategy. (Paragraph 104)**

**26. The social pedagogy pilot programme is very welcome. We urge the Government to think broadly and creatively about the possible future applications of the social pedagogy approach in the care system rather than looking to import wholesale a separate new profession. (Paragraph 108)**

**27. While the emphasis the English care system places on family environments is right, the potential of the residential sector to offer high quality, stable placements for a minority of young people is too often dismissed. With enforcement of higher standards, greater investment in skills, and a reconsideration of the theoretical basis for residential care, we believe that it could make a significant contribution to good quality placement choice for young people. (Paragraph 110)**

The Government agrees with the Committee that residential care has an important role to play as part of a range of placement options. For some children, particularly older children, a residential placement will be the right choice. Residential care can also have a role to play in helping other placements to succeed, for example, it may be used to provide a bridge for young people not ready to settle into a family placement. It may be that a combination of foster care and residential care is the right choice for some young people. Local authorities should see residential care as a positive placement option which is considered if it meets the child’s needs and not just as a last resort where fostering placements break down.

The Government is committed to improving the quality of residential care. We will work with the sector to look at the barriers to all residential staff having a Level 3 NVQ. We have also commissioned the Children’s Workforce Development Council to develop a training and development framework for residential care staff. This will enable staff to train for higher level qualifications caring for children and young people in group settings. This work is underway and stakeholders have been consulted about the framework. As part of our wider workforce strategy, we will consider with the CWDC and the sector how to encourage more staff to take up these opportunities and achieve higher qualifications.

The National Minimum Standards and underpinning regulations for children’s homes are being reviewed, and in light of the Committee’s concerns will strengthen the requirements relating to training and development. The new standards will be published for consultation in the autumn.

The social pedagogy pilots in children’s homes focus on building relationships through practical engagement with children and young people using skills such as art and music or outdoor activities. Pedagogic training involves the following elements:

- behavioural and social science theory;
- skills training in working with conflict and challenging behaviour, and teamwork;
- creative and practical subjects, such as art, drama, woodwork, music or gardening, through which pedagogues can work with and relate to children. Arts and

practical subjects can also help children enjoy life and feel good about themselves, and

- optional modules for specific settings, such as work with disabled children or in residential care.

All the pilot children's homes have now been selected and twelve social pedagogues have been offered and accepted posts.

A full evaluation of the benefits of this approach will be conducted, with a view to spreading the use of the social pedagogic approach more widely. The evaluation will help to inform whether and how to implement a pedagogic approach more widely in English children's homes. The Government agrees with the Committee that any future roll out should not result in a separate new profession being created from the current workforce.

The Children and Young Persons Act allows new powers to be granted to Ofsted to strengthen the enforcement regime for children's homes. The Chief Inspector will be able to issue compliance notices to providers who fail to meet the expected standard. The notice will set out the ways in which the provider has failed to comply with regulations, the action needed to address the failings, and the timescale within which this must happen. In addition, the provisions will enable the Chief Inspector to restrict new admissions to the home, creating a financial incentive to tackle problems quickly.

## Local authority commissioning

**28. We seek reassurances that cost constraints are not compromising children's access to the most appropriate placement for them, and that children's views are given particular consideration when 'value for money' decisions are made about providers. (Paragraph 111)**

**29. We are concerned that spot purchasing of placements on a large scale would indicate a failure of needs analysis and planned commissioning. We recommend that the DCSF's Commissioning Support programme explicitly addresses good practice in planning for the future needs of the in care population. (Paragraph 112)**

The Children and Young Persons Act 2008 clarifies the process that the local authority should follow whenever they are considering making a placement for a looked after child. This is within their overarching duty to safeguard and promote the welfare of the child. The first placement duty should be to re-unite the child with their parents and in general to work towards making sure that the child can be safely supported by their family.

If it is not possible to unite the child with their immediate family, then the Act sets out the other factors that the local authority must take into consideration when placing a child. These include placement with kin, proximity to home, and school stability. The relative importance of these factors will vary depending on the circumstances of the individual child.

Local authorities are responsible for delivering best value in the commissioning of services. The Government recognises that to help improve outcomes for looked after children and the stability of their placements, local authorities need to improve the way in which they



plan and commission services for looked after children, taking account of a wide range of factors including the views of children and young people themselves.

The Commissioning Support Programme was launched in October 2008 to support Children's Trusts to help them plan, design and implement services more effectively. The Programme provides tailored support and online resources and networks to help commissioners share best practice, as well as national and regional conferences. A key priority is commissioning services for children in care. The Programme will highlight and promote good practice around the importance of commissioning evidence-based services for children, young people, families and carers, including in planning for the future needs of the care population. The Programme will run until April 2011, working at national, regional and local levels to build sustainable capacity.

### Consistency and compliance in local authority practice

**30. The quality of experience that children have in care seems to be governed by luck to an utterly unacceptable degree. When implementing the *Care Matters* reforms, we urge the Government to place the highest priority on ensuring that every child gets *everything* they are entitled to. (Paragraph 116)**

The Government agrees with the Committee that more and faster progress is needed to make best practice common practice and to ensure that the requirements set out in legislation and statutory guidance are delivered more consistently. We hope the result will be that every child gets the support they need and deserve. This is an aim which is shared with our partners in local government and the health and voluntary sectors, as set out in the *Care Matters* Implementation Plan published last year.

There are 4 key strands to the *Care Matters* programme: getting the legislation framework right; piloting and spreading evidence based practice; improving the inspection and performance framework and developing workforce and commissioning arrangements. All of these are underpinned by strengthening the voice of the child and young person in the care system. A key development to support this is a stronger role for Independent Reviewing Officers whose job will be to ensure that the voice of the child is heard and that care plans meet the full range of their needs.

Government offices also have an important role in supporting and challenging local authorities to improve their performance to the best through:

- facilitating and hosting learning networks to share experience and knowledge between authorities, and
- the annual improvement cycle providing support and challenge on the children in care indicators.

Children in care councils will also help to ensure that children and young people in care have greater influence locally. The Government will be listening carefully to what children and young people tell us about progress in the first annual Stocktake of *Care Matters* this autumn.

## Size of the care population and decisions about entry to care

31. We are convinced that for some children, in some circumstances, care should be seen as the best available option rather than a last resort. (Paragraph 122)

32. While some differences in care populations are inevitable, we are concerned by the huge variations in the rates of children in care across the country. Not only is this situation unfair on children and families, it seems to betray a lack of common understanding about the place of care in services for vulnerable children. The Government's commitment to investigate the causes of such variation is welcome, but a greater priority must be placed on reaching a national consensus on the rationale behind decision-making about entry to and exit from care. (Paragraph 123)

33. We are pleased that the Government has set aside any notion of a 'target' number of children in care, but urge that there should instead be an unrelenting focus, through research, guidance and performance monitoring, on ensuring the quality and promptness of decision-making about individual children. (Paragraph 124)

34. We recommend that the Government keep under close review the potential relationship between the transfer of care proceedings costs to local authorities and the number of care proceedings that are issued, with a view to reverting to the previous system if it can be shown that children in care are being left at risk as a result of the changes. (Paragraph 128)

The Government believes that children should be supported to live with their parents wherever possible, with families given extra support to help keep them together wherever this is necessary. The *Care Matters* White Paper stressed the importance of developing services to enable families to stay together and we are piloting intensive family intervention programmes such as Multi-Systemic Therapy to support this aim. However, the Government agrees with the Committee that for some children who cannot be cared for by their families, the best available option is for them to become looked after.

The decision to take a child into care is never an easy one. While local authorities must act to protect children, decisions on whether to take a child into care are a matter for the courts, except where a child is voluntarily accommodated. The prime consideration is the welfare of the child and it is for the court, or the local authority where the child is voluntarily accommodated, drawing on a range of evidence, to decide how the child's interests can best be met.

There is no clear basis on which to determine the "right" number of looked after children in any particular area, as shown by Martin Narey's working group on the future of the care population. Whilst the Government will investigate the cause of variation, what is of crucial importance is the skill and judgement of the professionals working day to day with children and families and the quality of their decision making, and that the courts are able to make the right decision in the best interest of every individual child.

That is why the Government has established the new Social Work Task Force to see how practice can be improved. Also, the Public Law Outline has introduced a simpler, more streamlined court process for cases with a greater emphasis on pre-proceedings, one which

promotes the identification and resolution of key issues earlier in the case, with a timetable for completion based around the needs of each individual child.

Following the publication of Lord Laming's report *The Protection of Children in England: a progress report* the Government has accepted a recommendation to conduct an independent review of the impact of court fees in care proceedings. Although Lord Laming found no evidence to support the view that court fees influence a local authority's decision whether or not to commence care proceedings, if the independent review finds that fees are a barrier for local authorities the Government will abolish them.

**35. While the intention of integrating budgets for children's services was laudable, we are concerned that one effect is that child protection, children in care and family support work are in competition for shares of the available resources. We are particularly concerned that those authorities which are managing a historically large care population will not be able to invest greater resources in family support without an unacceptable reduction in the quality of services for looked-after children. We recommend that the Government ensures that such services become universally available at agreed minimum levels. (Paragraph 133)**

Councils need to take a long-term view of their budget cycles to enable the effective implementation of invest to save programmes, including some of the evidence-based interventions such as Multi-Systemic Therapy and Multi-dimensional Treatment Foster Care. In general, the Government believes that councils should have the maximum flexibility to take local decisions on the funding necessary to deliver effective local services. That is why the new local performance framework is designed to hold local authorities and their partners to account for the outcomes which they are responsible for delivering, rather than for the level of resource they decide to devote to particular services.

However, the Government is committed to helping vulnerable families and ensuring that all families are able to access additional support when they need it. From April 2009 all local authorities have access to two years funding to support "Think Family" reforms and introduce targeted services for parents and families experiencing particular problems. "Think Family" means reforming systems and services provided for vulnerable children, young people and adults to secure better outcomes for children, by co-ordinating the support they receive from children, adult and family services. In 2009–10 all authorities will receive part of a £75 million pot of ring-fenced funding to deliver a range of services. These include the delivery of family intervention projects, the parenting early intervention programme and continued funding for parenting experts and practitioners, as well as introducing reforms to ensure that families are better supported through integrated adult and children's services. A similar level of ring-fenced funding has been set aside for 2010–11.

### **Local authorities' accountability to children in care**

**36. We welcome the introduction of Children in Care Pledges and Councils, and we hope that they will better enable children to hold local authorities to account for the disparities in the care they provide and to challenge poor practice. (Paragraph 134)**

**37. The Government must spell out how local authorities will be held accountable for robust development of their Children in Care Councils and Pledges, and the impact these measures have on improving practice. It is not clear at present what the consequences will be for a corporate parent that fails to keep its promises to children, nor what action a child will be able to take if those promises are broken. Pledges must be detailed enough to be meaningful to young people, and we urge the Government to encourage local authorities to show ambition in their undertakings. (Paragraph 137)**

**38. Councils and Pledges must not become the sole means of consulting with or involving children in policy and services. Local authorities should also be judged on the quality of their mainstream children's participation and children's rights work, and how effectively they involve looked-after children in it. (Paragraph 138)**

**39. We are persuaded by the evidence received for this inquiry that these two distinct roles of Independent Reviewing Officer and independent advocate should in fact coexist, and that the degree of inconsistency in the way local authorities are discharging their care duties makes it even more important that children have every possible opportunity to make their views count. Advocacy services should be routinely available for all looked-after children whenever decisions about their care are being made, not just when they wish to make a complaint. (Paragraph 143)**

**40. We recommend that the duty on local authorities to ascertain and give consideration to children's views when decisions about their care are made should be strengthened by a requirement for Independent Reviewing Officers to record those views when care plans are reviewed. (Paragraph 144)**

The Government is committed to the whole of the care system being child focused. This means decisions should always be made in the best interests of the child based on a thorough assessment of the child's needs and taking the child's wishes and feelings fully into account, just as any parent would.

All local authorities have been asked to establish children in care councils to give children and young people a real opportunity to influence services and support in their area and how they should be provided. The councils should have direct access to the Director of Children's Services and the Lead Member. The Government expects every local area to develop a pledge for the children in their care, to ensure that children's views can be put directly to those responsible for corporate parenting. The Government has asked the charity *A National Voice*, which represents children in care, to contribute to the Ministerial Stocktake in the autumn on the progress of children in care councils and what more can be done to make them more effective.

Local authorities and their partners in the Children's Trust must consult children and young people in developing their Children and Young People's Plan. Guidance also states that the needs assessment should include outcome measures for looked after children, and because they have particular complex needs, the assessment should consider targeted action within a wider pattern of universal services. Funding has also been made available to local authorities to improve participation arrangements.

For individual children in care, the current framework of legislation and statutory guidance already requires the local authority to involve children and record their views, or where

necessary, why it has not been possible to establish these. The Children and Young Persons Act will enhance this framework and reinforce the responsibility of the child's social worker for establishing and recording the child's views. The child's care plan should record the child's views and how the authority intends to take these into account. The responsibilities of social workers to make accurate routine recordings about the child's wishes and feelings will be re-emphasised in revised Children Act Guidance about care planning for looked after children.

The Government acknowledges that Care Planning often has not taken proper account of the child's wishes and feelings. The role of the Independent Reviewing Officer is being strengthened to ensure the child is able meaningfully to participate in planning for their own care and that their care plan is based on a thorough assessment of all aspects of the individual child's needs. In future, the Government expects IROs to have a much broader scrutiny and monitoring role of the local authority's performance across every aspect of the child's care plan. For example, the child's individual IRO will also need to meet the child on a regular basis prior to review meetings to record their views, and establish that the child is able to make a meaningful contribution to plans for their care.

Flowing from the Children's and Young Persons Act 2008, revised care planning guidance and guidance explicitly for IROs will be issued for consultation later this year. These will ensure:

- a named IRO for each child reports on the quality of their care plan;
- the IRO sees the child before each review;
- more information is provided on supporting the child to participate, and
- the IRO function is represented at senior management level so that the child's voice and scrutiny function is at the heart of the LA strategic planning for looked after children.

The Government expects IROs to have the authority necessary to scrutinise care plans for each individual child and to offer robust challenges on behalf of the child if the plan falls short of being in the child's interests and meeting their needs.

Looked after children are entitled to support from an independent advocate if they wish to complain or make a representation about their care. The Government has made a commitment that future statutory guidance will set out explicitly that children are entitled to the support of an independent advocate whenever they wish to make their views heard, and not just when they wish to formally complain. This guidance will be issued to complement the wider revision of Care Planning and IRO guidance.

## Extending the scope and rigour of corporate parenting

**41. We are concerned that the scope of corporate parenthood as usually understood leaves bodies other than schools and children's services too much leeway in the priority they give to looked-after children. If corporate parenting is to emulate family life, it must not be compartmentalised, nor truncated at age 18. We recommend that all Children's Trusts take responsibility for multi-agency corporate parenting training, to**

**include managers within adult health and social care services, and officers and members of district councils where relevant. (Paragraph 148)**

The Government agrees with the Committee on the need to ensure that all local partners in Children's Trusts see themselves as the corporate parents of children in care. The Apprenticeships, Skills, Children and Learning Bill currently before Parliament, sets out the Government's proposals to strengthen Children's Trusts, including extending the number of statutory partners to include schools and colleges. The guidance for Children's Trusts published in November 2008 says that all partners involved in the Children's Trust should ensure that their strategy and practice takes particular account of how they work with the local authority to improve the prospects of these vulnerable children.

In preparing the local Children and Young People's Plan (CYPP), LAs should consider including in the plan coverage of the needs of children in care in the locality, and must also consult them in preparing the plan, for example through Children in Care Councils, or special consultation events. As corporate parents LAs should work with the other partners of the Children's Trust, including district councils, which should consider how to improve access to positive activities for the children they look after, including free access to their leisure facilities. Primary Care Trusts as key partners of the Children's Trust are required to work closely with the LA to ensure the health of children in care is ascertained, monitored and improved. The statutory partners must also work together to promote healthy living, and intervene quickly where health problems do arise. The statutory guidance makes clear they must provide the support and services required by children and young people who have acute or additional health needs, and support for vulnerable groups such as looked after children is particularly important. The joint DCSF/DH child health strategy published in February (*Healthy lives, brighter futures*) contains a clear commitment to support better those from particularly disadvantaged backgrounds, including children and young people in care.

## **Health and wellbeing of children in care**

**42. Looked-after children must have a higher profile in NHS performance frameworks. Children in care need 'champions' in senior strategic positions in the health service, and corporate parenting training should be mandatory for relevant senior NHS officers and board members with relevant responsibilities. (Paragraph 156)**

**43. By comparison with its policies for the education of children in care—virtual school heads, designated teachers, priority in admissions and mandatory performance indicators—the Government has seemed timid in specifying what looked-after children should be able to expect from health services. The Government should seek to specify a range of good practice, in particular the roles of designated doctors and nurses, as a matter of urgency. (Paragraph 161)**

The Government has been working to improve the health of children in care, and there has been an increase in recent years in the proportion of children who have had their annual health assessment and their teeth checked by a dentist. By 2007–08 87% of looked after children had received a dental check and a health assessment in the previous year.

The Child Health Mapping survey in 2007 found that 76% PCTs reported having a designated doctor for looked after children in post and 93% of PCTs reported having a designated nurse for looked after children.

However, the Government agrees with the Committee that more needs to be done. The Government is currently consulting on guidance on the health of children in care. For the first time this will be statutory for PCTs as well as local authorities. It builds on good practice taking place on the ground and will help to ensure this good practice becomes common practice. The guidance sets out expectations of the roles of a designated doctor and designated nurse for children in care.

**44. Children and young people in care should have guaranteed access to Child and Adolescent Mental Health Services, and resources must be provided to ensure that this is achievable. Urgent action must be taken to address the shortage of therapeutic services for children in care. We recommend that the Government should assess how specialist mental health teams for children in care can be put in place and sustained in all areas. (Paragraph 167)**

The Government agrees with the Committee on the need to improve the support that CAMHS services provide to children in care. Forty-five per cent of looked after children aged 5–17 have a mental health problem. This issue is being explored as part of the consultation on the revised statutory guidance on the health and well-being of looked after children, and in the work taking forward Recommendation 12 of the independent CAMHS review which relates specifically to services for vulnerable children. The Government is addressing the issue of the emotional wellbeing of children in care through the introduction of a new National Indicator. Baseline data on this will be available in autumn 2009.

**45. The Government's support for a holistic view of the wellbeing of children in care is very welcome, but it sits oddly with the withdrawal of national funding for the Healthy Care Programme, which appears to embody this principle. We recommend that the Government monitor the impact of the end of national funding for Healthy Care Partnerships on local collaborative working and the priority that looked-after children are given in services. (Paragraph 169)**

Funding for the Healthy Care Programme has not been withdrawn but was devolved to Government Offices and is no longer held centrally. Most regions do still have a Healthy Care Partnership. The Government will ask the NCB, which run the Healthy Care Programme, to report to the Ministerial Stocktake in the autumn on progress of the programme and what more could be done.

## Leaving care

**46. We welcome the Government's assertion that it should become exceptional for a young person to leave care before they turn 18, and hope that it will precipitate a culture change in local authorities. We recommend, however, that the Government show more ambition by making a commitment to narrowing the gap between the average age of leaving care and the age of independence for other young people.**

**Remaining in care in some form until at least age 21 should become routine. (Paragraph 173)**

The Government agrees with the Committee that looked after young people should benefit from the same support as other young people in their transition to adulthood. The ‘Staying Put’ pilots enable young people who turn 18 to remain with their former foster carers until age 21. Early messages from the pilots are promising with young people in three authorities already routinely having the option of remaining with their foster carers at 18+.

As part of the evaluation of the 18+ pilots, the Government will consider how children in residential placements can be enabled to make a more gradual transition to adulthood.

**47. We welcome the Right2BCared4 and Staying Put pilots, and urge the Government to make their benefits available to all young people in care—including those in residential placements—at the earliest possible opportunity. (Paragraph 175)**

**48. The success of efforts to ensure that young people stay in care for longer will depend on factors the Government has not yet fully addressed, such as supply of foster placements, support to prevent placement breakdowns, and the effectiveness of Independent Reviewing Officers and review processes. Local authorities must be given all necessary assistance to achieve these changes. (Paragraph 177)**

**49. The Right2BCared4 and Staying Put pilots should be used to explore how more flexibility can be built into the process of leaving care, so that young people who find they are not yet ready for independence are able, and encouraged, to revert to a higher level of support. (Paragraph 178)**

A key part of the ethos of the Right2BCared4 and Staying Put pilots is to ensure young people have the necessary support and security to be able to make decisions for themselves around how they prepare for independence. These pilots give those young people participating the flexibility to experience the level of independence they require while at the same time offering them a safety net of support should they wish to return to a more organised form of parenting. Comprehensive evaluations of both the Right2BCared4 and Staying Put pilots will allow the learning to be shared with all local authorities. Right2BCared4, which involves young people who have not yet reached legal adulthood, includes provision to allow children to return to foster care if their attempt to move to greater independence does not work out the first time around.

Legislation flowing from the Children and Young Persons Act 2008 will strengthen the role and functions of the IRO. Each IRO will ensure that the child is able meaningfully to participate in planning for their own care and that the care plan prepared for them is based on a thorough assessment of all aspects of the individual child’s needs.

The Government recognises that this will involve developing a culture in every local authority where children are routinely provided with information about their options at an early point so that they can make informed decisions about the support they need to make a successful transition to greater independence.

The strengthened role of the IRO will result in greater stability for looked after children by promoting a culture where young people have a central voice in any decisions regarding



when they leave care. Guidance will be issued to IROs and their managers in 2010, highlighting the importance of putting the interests of the child first. Planning for transition will be one very important aspect of this revised guidance.

The Government agrees with the Committee that key to children leaving care later will be to improve the range of foster placements available and the number that breakdown. That is why, as explained elsewhere in this response, we will be supporting local authorities to improve their commissioning of placements through the Commissioning Support Programme and funding the national roll out of the Fostering Changes programme, which aims to help equip foster carers with the skills to better support children in their care.

**50. The vulnerability of care leavers to sexual exploitation is a matter of great concern to us. We urge the Government to analyse any ways in which features of the care system itself expose young people to greater danger, and take urgent steps to protect care leavers from this sort of exploitation. (Paragraph 179)**

The Government agrees with the Committee that safeguarding the needs of sexually exploited young people is vitally important. Government guidance, 'Working Together to Safeguard Children', sets out how organisations and individuals should work together to safeguard and promote the welfare of children.

New guidance on 'Safeguarding children and young people from sexual exploitation' was published in June. This is supplementary guidance to *Working Together*. The guidance is statutory guidance for Local Authorities. It is aimed at Local Safeguarding Children Board (LSCB) partners, practitioners and other professionals working with children and young people. The guidance provides information on factors that should be considered when looking at how to safeguard and promote the welfare of children and young people in particular circumstances, including looked after children and those leaving care.

Through work to improve the emotional health and wellbeing of looked after children, steps are also being taken to improve protective factors including self-esteem and resilience.

**51. We recommend that national standards for leaving care services should be developed with local authorities so that these services can be objectively assessed. The standards should include a greater degree of consistency and transparency in the financial support available to care leavers and the criteria on which it is determined. Each authority should include details of what it will provide in its Pledge. (Paragraph 184)**

The Government agrees with the Committee that there is great variability in the leaving care support that young people receive in different parts of the country. The Government funds the National Care Advisory Service (NCAS) with a strategic grant. NCAS have developed a set of National Standards in Leaving Care, which they provide free from their website, alongside a self-assessment tool and practice database. The National Leaving Care Benchmarking Forum, a national network of 50 local authorities, already uses this framework to improve the quality of their services through benchmarking and shared learning. We will draw on these standards when revising Leaving Care Guidance later this year which will set out the statutory responsibilities of local authorities for care leavers.

**52. We are concerned that the benefits of specific support to enable young people with disabilities to move on from care, as distinct from the care services related to their disability, have not been recognised in the Care Matters programme. Equal access to all features of effective leaving care support must be guaranteed to care leavers with disabilities. (Paragraph 185)**

Disabled young people leaving care are amongst the most vulnerable. It is therefore particularly important that the statutory requirements of the Children (Leaving Care) Act 2000, whereby all children looked after by a local authority on their 16th birthday have a pathway plan covering education, training and employment, is followed. New Leaving Care Guidance will include much more detail about planning transition for particularly vulnerable groups of care leavers—including those who are disabled.

Guidance produced by the Government suggests that each local authority should have a protocol that covers the roles and responsibilities of all agencies working with young people during their transition to adulthood. As well as the protocol, each LA should also have a strategic transition planning group working with the wider Children and Young People's strategic planning board and the Children's Trust.

The Transition Support Programme (part of Aiming High for Disabled Children) will monitor whether these arrangements are in place through a questionnaire sent to each local area.

**53. The duty to provide a Personal Adviser should be extended to all care leavers until age 25, not just those who have education or training plans. The terms on which this provision has been extended risk excluding some of the most vulnerable young people from continuing support. The role of the Personal Adviser should include facilitating access to health and social care services when needed. We recommend that the Government explore ways of ensuring that care leavers have full and proper access to health, social care and education services, commensurate with their needs, until they are 25 years old. (Paragraph 187)**

The rationale behind providing the Personal Adviser up to the age of 25 is to ensure that young care leavers have the support available to enable them to develop the required skills and qualifications to lead fully independent lives. Not all young people will want to remain in contact with the local authority that looked after them. But those most in need of this kind of support are likely to be young people who have missed out on education, training or employment or who wish to re-engage with this.

Care leavers up to the age of 21 are entitled to support from the local authority in respect of health and social care services, and beyond the age of 21 they have access to universal services as well as adult social services.

When the Government publishes revised guidance on local authority duties to provide leaving care support later this year, it will emphasise that in putting these new duties into effect, local authorities are expected to recognise that education/training includes a wide range of opportunities for young people. This can include for example, basic skills training, vocational training, modern apprenticeships, as well as participation in formal full or part time courses leading to academic qualifications. This approach will extend the benefits of this entitlement to all care leavers who wish to enhance their skills and opportunities.

**54. We seek reassurance from the Government that funding will be made available to local authorities that experience particular difficulties in finding suitable accommodation for care leavers due to local housing shortages. We recommend that the Government extend the new ‘sufficient placements’ duty to include supported and independent accommodation for those leaving care. (Paragraph 190)**

The Government will work closely with other key departments and agencies to ensure that the guidance produced for local authorities on the transition to adulthood highlights the importance of services taking a holistic view of the needs of care leavers.

Revised statutory guidance on transition to adulthood for care leavers will set out the areas approval must cover (quality of accommodation—e.g. health and safety, placement agreement, support for carer, etc) and will gather and disseminate existing best practice and lessons from the *Staying Put* pilots. This guidance will also set out in greater detail the support that LAs must make available to care leavers in independent accommodation.

In May 2008, the Government published good practice guidance on joint working between Housing and Children’s services to avoid homelessness for vulnerable children and families, including care leavers. Key messages from this guidance will be included in revised Children (Leaving Care) Act Guidance which local authorities will have to follow. This will stress that it would be exceptional for care leavers to be expected to go down a homelessness route in order to be placed in suitable accommodation.

**55. A quality assurance framework for care leavers’ accommodation should be developed so that housing options can be assessed against nationally agreed standards; it should not be left up to a young person to say that the accommodation they are offered is unsuitable. No care leaver should be placed in bed and breakfast accommodation, and the availability of suitable accommodation must be considered a prerequisite for a move to independent living. (Paragraph 191)**

The Children and Young Persons Act introduces a requirement that children in foster placements or children’s homes who move to independent living or any other kind of placement that is not inspected and regulated by Ofsted, can only do so as a consequence of a review of their care plan, chaired by an Independent Reviewing Officer. This is to ensure that care leavers are not forced out of care and are only expected to move to accommodation suitable to their needs when they are properly prepared and ready. Housing providers should be closely involved in this review process, as a means of making sure that that care leavers’ needs are well understood when they do move into the community and that they are able to access the right level of housing support.

Children’s services and housing agencies should have arrangements in place that will ensure that placing care leavers in Bed and Breakfast is avoided. Revised statutory guidance, to be issued for consultation later this year, will highlight this and will also include detailed advice against which housing options can be assessed. We will take account of the National Standards produced by the National Care Advisory Service when drafting this guidance.

**56. There should be a presumption against declaring any care leaver intentionally homeless. Every children’s services authority should be required to adopt a joint working protocol with the relevant housing departments or authorities, to ensure that**

**care leavers are given every possible support in maintaining tenancies. Key managers within housing departments should be included in corporate parenting training. (Paragraph 193)**

No care leaver should become homeless. Housing Services and Children’s Services should adopt a shared strategic approach to the provision of housing and support pathways for young people. New revised guidance, to be issued for consultation later this year, will include expectations that services responsible for the welfare of looked after children and care leavers must work very closely with housing services at all levels.

Currently, the responsible authority must keep in touch with care leavers until they are at least 21, or later if they are still being helped with education or training. We are extending entitlement to a leaving care Personal Adviser to any care leaver who wishes to resume education before they reach age 25. (Education will be defined widely to include support to achieve basic skills as well as more conventional participation in formal academic learning or training).

The Government will strengthen Statutory Guidance to make clear that in circumstances where young people continue to be vulnerable as they move towards the age of 21, their responsible local authority should be seeking to identify sources of continuing support from adult social care services, the NHS or from voluntary sector agencies.

## **Preventing involvement in the criminal justice system**

**57. To some extent, we recognise that general improvements in the care system—stable placements that are properly supported, help to achieve at school, and a gradual transition to independence—will help to prevent looked-after children offending. However, opportunities have been missed to take further specific steps to address this. We ask the Government to revisit the Youth Crime Action Plan to address explicitly the state’s responsibility as corporate parent for the disproportionate criminalisation of young people in care. (Paragraph 197)**

The Government expects all care settings to have active strategies in place to divert children from offending or anti-social behaviour and to provide them with opportunities and services necessary to offer them positive opportunities that put them on the path to success.

In future, revised Care Planning Guidance will include requirements that in each and every case, local authorities should establish meaningful strategies so that looked after children are provided with every support to become responsible citizens. Similar expectations will be included in revised National Minimum Standards for children’s homes and fostering services. This work will include how corporate parents should avoid unnecessary criminalisation of young people in the care system.

Independent Reviewing Officers, as part of their strengthened role, will be responsible for rigorously scrutinising this aspect of care planning. This will include reporting back to local authority senior managers on any concerns that children’s placements are failing to supervise them adequately and are having to involve the police to manage behaviour.

Where a looked after child is placed in a children's home, a key role for the home will be to provide a supportive and structured environment with appropriate rules and expectations around behaviour. It will also be important that children's homes do not unnecessarily involve the police to enforce discipline and control, since this is likely to lead to vulnerable children being needlessly criminalised. For misdemeanours such as minor property damage, homes should have in place clear strategies which make the child involved compensate for their behaviour but do not involve the police in trivial incidents.

The Multidimensional Treatment Foster Programme (MTFC) which is being piloted and funded by the Government is already showing positive results in reducing offending and addressing mental health difficulties in looked after children.

The Government accepts that there needs to be improved co-ordination between services for looked after children and youth justice services so that the system works more effectively to support looked after children. In particular, support for looked after children who enter custody needs to be carefully coordinated between local authorities and the youth justice system.

### Looked-after children in custody

**58. We recommend that children accommodated under voluntary agreements should retain their looked-after status when entering custody; we consider that this would be a greater safeguard of the continuity of each young person's care than the new requirement to continue visiting children. We are concerned that even children on care orders may not be receiving the services they are entitled to when in custody, and we seek reassurance that inspection will be an adequate tool for enforcing the new visiting requirements when it has apparently failed to enforce existing requirements. (Paragraph 202)**

The Government does not agree that children accommodated under voluntary agreements should retain their looked-after status when entering custody. Voluntarily accommodated children are looked after by the local authority by agreement with, or at the request of, their parents, perhaps because of problems within the family which are making it hard for them to cope. It would be wrong to impose on local authorities responsibilities for providing services to children for whom they do not have parental responsibility and who are living in accommodation over which they have no control.

Furthermore, blurring the distinction between care as a result of a voluntary agreement and custody is not the way to solve the problem. Instead, the Government will improve co-ordinated support and impose new visiting requirements. This will ensure that whenever a voluntarily accommodated child is sentenced to custody they have to be visited by a representative of the local authority to assess their needs and where necessary contribute to resettlement planning.

The Government will prescribe the functions of the person making the visit. These will include assessing and reporting to the local authority on the child's needs and liaising with the responsible YOT and youth custody services to ensure there is a proper plan for resettlement services to be in place when the child is released from custody, including access to appropriate and suitable accommodation on release and the basis on which it will

be provided. This will mean that for those children unable to return to the care of their families on release, the local authority will have to give serious consideration to them becoming looked after again.

We believe this is the best way to tackle this issue and ensure children get the right support in custody and when they leave.

The Children and Young Persons Act also strengthens the care planning duties of local authorities for all looked after children, regardless of whether they are looked after as a result of a voluntary agreement or under a Care Order. Responsibility for inspection of arrangements for children and young people in custody rests with Her Majesty's Inspectorates of Prison and Probation and with Ofsted. Ofsted is the lead inspectorate for provision for children detained in Secure Training Centres or in Secure Children's Homes. As part of the inspection process, inspectors track individual cases, including those of looked after children, to evaluate the quality of provision and the effectiveness of local authority support. In future, this will include the visiting requirements for local authorities.

**59. We recommend that the Government identify and implement a mechanism for automatically triggering a needs assessment by the relevant children's services authority when a child comes into contact with the criminal justice system. (Paragraph 203)**

The Government is determined to see effective co-ordination of services for former looked after children in custody, with shared support from children's services and YOTs. Revised Children Act 1989 Guidance and National Minimum Standards will set out the expectation that whenever a looked after child comes into contact with the criminal justice system, their carers and the local authority responsible for their care must consider the reasons for this in order to take necessary actions to divert the child from any further anti-social or offending behaviour.

**60. We recommend that the lead responsibility of children's services for looked-after children in the youth justice system be re-asserted, so that extremely vulnerable children are not denied the support they need by being excluded from mainstream services when they come into contact with Youth Offending Teams. (Paragraph 204)**

The Government agrees with the Committee that the care and pathway planning responsibilities must continue with the local authority with statutory responsibility for the individual child, taking the lead whenever a child subject to a care order or a "relevant" care leaver is in custody. The new visiting requirement provided for under the Children and Young Persons Act 2008 provides a mechanism to ensure continuity of care for children who lose their looked after status because they were voluntarily accommodated prior to receiving a custodial sentence.

**61. We ask the Government to guarantee future funding for social workers posts in Youth Offending Institutions. (Paragraph 205)**

Local authorities have a statutory duty to provide social work services to young people in Young Offender Institutions who are children "in need" of such services under the Children Act 1989. In 2005 the Government provided initial funding for the recruitment and appointment of social workers at Young Offender Institutions. The first social workers

were in post in autumn 2005. The Government provided funding until 2009. In January 2009 the Association of Directors of Children's Services (ADCS), on behalf of local authorities, confirmed funding for social workers through 2009/2010. This recognises the obligations that local authorities have towards under-18s in custody. The ADCS, acting on behalf of local authorities, is currently in discussions with the Government about longer-term funding for social workers in Young Offenders Institutions.

## Unaccompanied asylum-seeking children

**62. We recommend that the Department for Children, Schools and Families assume formal joint responsibility with the Home Office for unaccompanied asylum-seeking children. (Paragraph 208)**

**63. Clear guidance must be given to local authorities that all of the provisions of *Care Matters*, and the principles of good care planning, apply equally and without exception to unaccompanied asylum-seeking children. We are particularly anxious that the Government resolve the contradiction between the importance that *Care Matters* places on continuity of care for looked-after children older than 16, and the expectation that young asylum-seekers will leave their foster placements at that age. (Paragraph 209)**

**64. We support the idea of appointing guardians for unaccompanied asylum-seeking children, to ensure that they are properly supported through the asylum process, and that swift access to services such as education is arranged on their behalf. We are concerned about the particular vulnerability of this group of children to trafficking, and would like the role of guardian to include a remit to ensure that children do not go missing. (Paragraph 210)**

The Government agrees with the Committee that unaccompanied asylum seeking children should be considered as "children first and foremost" and is committed to improving support to them.

These children will benefit from the reforms being introduced following the Care Matters programme and the Children and Young Persons Act 2008 (such as the strengthened IRO function and our education proposals). When these young people reach legal adulthood at 18 (and the asylum claim is still being determined or asylum/leave to remain has been granted), then the authority will consequently have related responsibilities to provide them with support and services as "care leavers".

The Committee is right to have pointed out the vulnerability of these children, particularly those suspected of being trafficked. Police, immigration officers and social workers are making great progress at ports of entry, for example through the highly successful Operation Paladin at Heathrow Airport, which identifies perpetrators and victims, and we will spread this good practice to other areas.

Where unaccompanied children enter public care it will be necessary for services to be particularly vigilant to prevent children from being drawn back into the control of traffickers. The Government published multi-agency guidance targeted specifically at safeguarding and promoting the welfare of children who may have been trafficked in December 2007. This sets out the reasons for child trafficking; the methods used by traffickers; the roles and functions of relevant agencies and how practitioners should follow

procedures to ensure the safety and well-being of children who are suspected of being trafficked. It is supplementary to *Working Together to Safeguard Children* (2006).

The Guidance says that in making any placement the local authority will need to give consideration to the risk that a trafficked child may go missing and to how the placement provides support to minimise this. The local authority must have a care plan for each looked after child, based on a thorough needs assessment. It should set out how the local authority intends to safeguard the young person or child who may have been trafficked; it should also include a contingency plan to be followed if the young person goes missing.

In the Care Matters White Paper we made commitments to revise and update the guidance *Children Missing from Care and Home* which will include more information about managing support for especially vulnerable groups, such as unaccompanied asylum seekers who may have been trafficked into the UK. We shall shortly be publishing this new guidance, following extensive consultation.

At present, the Government does not see the need for a statutory role of guardian specifically for trafficked children. There is no evidence to show that the creation of another agency will add any appreciable value and it is more likely to blur lines of accountability and unhelpfully complicate service delivery, we believe.

## The performance framework for the care system

**65. We fear that the increased emphasis on self-assessment and light-touch, “proportionate” inspections in schools and children’s services as a whole is exerting an inappropriate influence on the inspection of children’s social care. In particular, it may lead to unwise over-reliance on the National Indicator Set as a barometer of authorities’ ability to keep children safe. There is potential for quarterly updates of performance profiles to engender false confidence, and this practice seems to be at odds with the Chief Inspector’s reassurance that on-the-ground investigation will be a prerequisite for passing judgement on services. We recommend that ways of promoting more frequent, informal contact between inspectors and local authorities be explored, such as designating a named inspector for each authority who would make regular visits. (Paragraph 215)**

**66. We consider that the evidence on which performance assessments are based should be retained by Ofsted for at least three years after publication. (Paragraph 216)**

**67. We recommend that the Government reassess how the new inspection regime for children’s services can be made a more effective vehicle for spreading good practice, perhaps through the inclusion of a peer review element, or whether a different mechanism is needed. Ofsted must also improve the representation of officers with extensive social work experience in its senior leadership positions. (Paragraph 217)**

**68. There is at present too much emphasis on measuring processes in the care system and not enough on assessing its quality. The quality of decision-making and the quality of relationships are difficult things to measure, but they are fundamental to the success of the care system. To help address this problem, children’s satisfaction with the care they receive—independently sought and expressed—should feature prominently in**



**performance indicators and assessments of the care system both locally and nationally. (Paragraph 222)**

The Government agrees wholeheartedly with the Committee on the need for a strong performance framework, including a robust inspection regime. Ofsted has already taken steps to increase the number of officers with extensive social work experience in senior leadership positions. This includes new posts at Director and Divisional Manager levels as well as more inspectors for social care at HMI level, with new responsibilities for maintaining closer links with local authority services.

Arrangements for assessing and inspecting local authorities changed from April 2009, with the introduction of Comprehensive Area Assessment (CAA). This will be undertaken by the relevant inspectorates working jointly, led by the Audit Commission, but with Ofsted fully involved.

Ofsted will provide an annual performance rating for local authority children's services which is informed by a quarterly performance profile. The evidence base for these has been increased to include a clearer focus on the quality of provision and the impact of services on outcomes for children. Thus, the outcomes of all Ofsted inspections of services for children and young people, serious case reviews and complaints from children and young people or other stakeholders will be considered along with data on performance, as against the national indicator set for children's services. Ofsted is currently reviewing its arrangements for the retention of evidence underpinning the annual performance rating and will report on these at a later stage.

All Ofsted inspections of provision for children and young people will include a judgement on safeguarding.

Ofsted will undertake an unannounced annual visit to each local authority to assess front-line practice in relation to contact, referral and assessment services. This means that future annual assessments will involve direct inspection.

There will also be a three yearly inspection programme of children's services focusing on safeguarding services and services for looked after children. This will consider the effectiveness of multi-agency arrangements in improving outcomes. Whenever inspectors report an inadequate judgement, on overall children's services or on an individual Every Child Matters outcome, the Government will consider urgently whether support or intervention action is appropriate.

For each inspection, surveys of children who are in the authority's care and who have recently left care will be carried out through the office of the Children's Rights Director at Ofsted.

## **The annual stocktake**

**69. We look forward to examining the first of the annual ministerial 'Stocktakes' of the care system, and we welcome the focus and priority this process promises to place on how well the whole state is performing as a corporate parent. We recommend that children's views and their satisfaction with the care system should form a crucial part of the evidence used in the Stocktake. In order that Government as a whole can be held to**

account for its performance, the Stocktake must involve the Home Office and Ministry of Justice as well as the Department of Health and Department for Communities and Local Government. (Paragraph 223)

70. The present performance framework is insufficiently flexible to allow the progress children make in care to be captured. The Stocktake should promote a comprehensive view of outcomes for young people who have been in care (up to age 25). (Paragraph 224)

71. We consider that lack of data about some sections of the care population, and care leavers, compromises the corporate parenting task. The Stocktake should be used as an opportunity to fill some of the gaps in data relating to looked-after children; specifically, the lack of information about the circumstances and outcomes of unaccompanied asylum-seeking children, and about looked-after children in the criminal justice system. (Paragraph 226)

72. We are pleased that data on children missing from care will be included in the Stocktake, and we look forward to seeing evidence of improved performance in this area. (Paragraph 227)

Children's views and their satisfaction with the care system will form a crucial part of the evidence for the annual stocktake. A number of events are being organised where the Government will hear directly from children and young people what they think about the care system. This will be done in partnership with the Children's Rights Director and key voluntary sector organisations. It will include a national event for representatives of children in care councils, as well as smaller events where young children in care will be invited to share their views and experience of the care system with Baroness Delyth Morgan.

The stocktake will gather evidence from across England, showing good practice as well as barriers to progress. It will assess progress against all the *Care Matters* indicators. Evidence will also come from Ofsted and from voluntary sector organisations that work with children in care, as well as from Government Offices. A range of Government Departments will also be involved.