



House of Commons
Education Committee

Into independence, not out of care: 16 plus care options

Second Report of Session 2014–15

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to the report*

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Summary

Two issues motivated our inquiry into 16 plus care options: that ‘other arrangements’ are unsuitable and that the current Staying Put policy is inequitable. Evidence to our inquiry, as well as our informal discussions with young people, confirmed that these concerns are certainly justified and, if anything, underestimate the gravity of the situation.

The suitability and safety of ‘other arrangements’ must improve. Tireless efforts are made to ensure high standards in settings for children and young people: childminders, foster carers, residential children’s homes and schools are all inspected, yet accommodation that falls within the category of ‘other arrangements’ is not. We recommend that the DfE consult on a framework of individual regulatory oversight for all accommodation provision that falls within the category ‘other arrangements’.

Despite the DfE’s assertion that “Bed and breakfast accommodation is not considered to be suitable”, it continues to be used. An outright ban on B&Bs is required and we recommend that the DfE consult urgently with local authorities on a reasonable timeframe in which to introduce this, alongside a strengthened requirement for local authorities to commission sufficient alternative emergency facilities.

The current Staying Put policy applies only to looked after young people living in foster care. Young people living in residential children’s homes are often the most vulnerable and should have the right to remain there beyond the age of 18. We recommend that the DfE extends Staying Put to these settings.

Legislation entitles care leavers to continuing accommodation support in ‘other arrangements’ up to the age of 21. However, the provisions are unclear, insufficient and all too often overlooked. We recommend that the DfE issue explicit guidance on young people’s right to stay in ‘other arrangements’ until they are 21.

A model of Staying Close presents the opportunity for young people to gain the independent living arrangements that they often crave at the age of 16 or 17, whilst retaining the physical proximity, professional support and valued connections with staff and friends in former residential children’s home that they may be anxious to leave behind. We recommend that the DfE examine such existing models and, if they are shown to lead to improved outcomes for young people, issue best practice guidance on a model of Staying Close.

In addition to these fundamental recommendations, our report sets out the necessary steps to ensure that there are improvements in the planning and preparation of, and stability and support for, young people as they move to greater independence

1 Introduction

Context

1. Our inquiry into the child protection system in England (2012) expressed concern about the level and quality of support received by older young people in, or on the edge of, the care system.¹ Since the publication of our report, two particular issues have heightened our concern: first, during our inquiry into residential children's homes (2013)² questions about the quality and suitability of accommodation provided to looked after 16 and 17 year olds were brought to our attention. Secondly, in December 2013 the Government's welcome announcement of a new legal duty on local authorities to support Staying Put arrangements for young people living in foster care³ was questioned on equity grounds, as it did not apply to young people living in children's homes or 'other arrangements'. We therefore decided to launch an inquiry into 16 plus care options.

Our inquiry

2. Our inquiry was launched on 22 January 2014, inviting written evidence on the following points:

- The kinds of accommodation that are provided for young people aged 16 and 17 who are looked after by local authorities.
- The suitability, safety and regulatory nature of alternative accommodation provided for young people who are aged 16 and 17 and looked after by local authorities.
- Whether the Government's announcement to extend local authorities' duties to support young people wishing to stay with foster carers until the age of 21 should apply to those in residential children's homes.
- Whether provision of alternative accommodation should be extended to the age of 21.

3. We received submissions from a wide range of witnesses and took oral evidence on two occasions, hearing from three panels of witnesses as listed at the end of this report. At the outset of the inquiry we held an informal seminar with care leavers, organised in collaboration with The Who Cares? Trust and the Office of the Children's Commissioner. We visited Ipswich in April 2014 to see examples of accommodation provided to looked after 16 and 17 year olds and to meet local authority officers as well as the Suffolk Children in Care Council. We are grateful to all those who contributed to our inquiry through these various routes and especially to the young people who spoke to us so honestly and openly about their personal experiences.

1 Fourth Report from the Education Committee, Children first: the child protection system in England, HC (2012–13) 137

2 Sixth Report from the Education Committee, Residential Children's Homes, HC (2013–14) 716

3 Department for Education, Children to stay with foster families until 21, December 2013

4. During this inquiry we have benefited from the expertise and assistance of our two standing special advisers on children's services, Marion Davis CBE and Professor David Berridge OBE.⁴

Defining the scope of the inquiry

5. Our inquiry focused on two groups of looked after young people:

i) "Eligible" children, who, as defined by the Children Act 1989 ('the 1989 Act'):

- are looked after by a local authority;
- are aged 16 or 17; and
- have been looked after by a local authority for 13 weeks or more since the age of 14.⁵

ii) Young people who become looked after as a result of their being accommodated under section 20 of the 1989 Act, after presenting as being homeless, or at risk of homelessness. This duty is often denoted by reference to the Southwark Judgement.⁶

At 31 March 2013 there were 13,730 looked after young people aged 16 and above, representing 20% of the total population of looked after children.⁷

'Other arrangements'

6. According to Department for Education (DfE) data (2013), at any one time looked after children aged 16 and 17 are mainly placed in four types of accommodation:

- Foster care (51%)⁸
- Residential care (22%)⁹
- 'Other arrangements' (22%)¹⁰
- With their parents (4%)¹¹

4 Professor David Berridge OBE, Professor of Child and Family Welfare, Centre for Family Policy and Child Welfare, University of Bristol, declared interests in the form of research with the Department for Education and as a member of the Corporate Parenting Panel of Bristol City Council Children and Young People's Services. Marion Davis CBE declared interests as an independent Chair of Solihull LSCB; as an independent adviser to the Safeguarding Board of Northern Ireland's Thematic Review of Child Sexual Exploitation; as a Trustee of a charity, Children and Families Across Borders; as an independent Chair of a Serious Case Review Panel into the death of a child, on behalf of the Sutton LSCB; and as a member of the Northamptonshire Improvement Board and mentor to the DCS.

5 The Children Act 1989, Section 19B; see also Department for Education, The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, March 2010, para 1.24

6 Department for Children, Schools and Families and Department for Communities and Local Government, Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation, April 2010

7 Department for Education, Children looked after in England, including adoption, National Tables A1, December 2013

8 Department for Education (16P 29) para 23

9 Department for Education (16P 29) para 24

10 Department for Education (16P 29) para 26

The DfE outlined the kinds of placements that fall within the catch-all term, ‘other arrangements’:¹²

placements in a family or domestic setting, where the adults responsible for their care and/or support are not approved as foster carers (supported lodgings);

foyers [which offer “integrated housing, learning, and personal development” services]¹³ and other kinds of supported accommodation services;

placements in independent accommodation with ‘floating support’, where housing support workers make regular visits to accommodation to assist young people to develop the skills needed to manage in their own tenancy in future; and

other unregulated settings that provide support to the child.¹⁴

Local authorities’ duties to looked after young people aged 16 and above

7. The 1989 Act places a duty on local authorities to provide eligible children with:

- All the support that comes with being looked after.
- A needs assessment, followed by preparation of a pathway plan, which is to be kept under regular review.¹⁵
- A Personal Adviser (PA).¹⁶

A homeless 16 or 17 year old who is accommodated under section 20 of the 1989 Act becomes “looked after” and children’s services “will have a duty to maintain them (including meeting the cost of accommodation)”.¹⁷

8. Local authorities’ duties change when a young person turns 18. From the ages of 18 to 21 (or 25 if the young person is pursuing, or wishes to pursue, a programme of education or training) formerly “eligible” or “relevant” young people become legally defined as “former relevant”.¹⁸ Statutory guidance, *Planning Transition to Adulthood for*

11 Department for Education (16P 29) para 31

12 Throughout this report ‘alternative accommodation’ will be used interchangeably with ‘other arrangements’.

13 The Foyer Federation (16P 21) p 1

14 Department for Education (16P 29) para 27

15 The Children Act 1989, Schedule 2 Section 19B

16 The Children Act 1989, Section 23D

17 Department for Children, Schools and Families and Department for Communities and Local Government, Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation, April 2010, para 2.16

18 The Children Act 1989, Section 23C

Care Leavers (hereafter ‘Transition guidance’), outlines local authorities’ responsibilities in respect of former relevant young people. Local authorities must continue to:

- provide the young person with a PA (section 23C(3)(a) of the 1989 Act);
- review and revise the pathway plan regularly (section 23C(3)(b)); and
- keep in touch (section 23C(2)(a) and (b)).

Responsible authorities’ duty to provide accommodation and maintenance for care leavers ends when they reach 18. However, they have duties to:

- provide general assistance (section 23C(4)(c));
- provide assistance with the expenses associated with employment (section 23C(4)(a));
- provide assistance with the expenses associated with education and training (section 23C(4)(b));
- provide vacation accommodation (or the funds to secure it) to care leavers in Higher Education, or in residential Further Education (section 24B(5)); and
- provide a bursary (£2,000) to care leavers going on to Higher Education (section 23C(5A)).¹⁹

9. The Children and Families Act 2014 places a new duty on local authorities to implement a “staying put arrangement” for former relevant young people whose final placement is in foster care. Staying Put enables and supports a young person to continue living with their former foster parent until they are 21 years old—if it is consistent with the young person’s welfare and if both the young person and foster parent wish to continue with the arrangement.²⁰ In these circumstances, local authorities have a duty to:

- Monitor the staying put arrangement, and
- Provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement.²¹

The duty came into force in April 2014 and local authorities will receive £40 million over the next three years to implement arrangements.²²

10. We have addressed the issues affecting care leavers aged 18 and above (defined as “former relevant” young people) only so far as they arose through our consideration of extending Staying Put.

19 Department for Education, *The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers*, October 2010, para 4.5

20 The Children and Families Act 2014, Section 98

21 The Children and Families Act 2014, Section 98(3)

22 Department for Education, *Children to stay with foster families until 21*, December 2013

2 Planning, preparation and having a voice

Planning and preparation

11. The 1989 Act requires local authorities to prepare a pathway plan for all eligible children²³ and to continue it for all relevant²⁴ and former relevant²⁵ young people. The Care Leavers (England) Regulations 2010 stipulate the contents of this plan²⁶ and the 1989 Act specifies that it be kept under “regular review”.²⁷ The DfE noted that young people have a new right to request a review of their pathway plan.²⁸ The plan should set out the necessary actions to be taken by:

[...] the responsible authority, the young person, their parents, their carers and the full range of agencies, so that each young person is provided with the services they need to enable them to achieve their aspirations and make a successful transition to adulthood.²⁹

12. One issue, specified to be dealt with in the pathway plan and review, is “A programme to develop the practical and other skills necessary for the child or young person to live independently”.³⁰ Statutory guidance, *Care Planning Placement and Case Review* (hereafter ‘Care Planning guidance’), asserts that before a young person moves to an unregulated placement or leaves care:

[...] the young person, his/her parents where appropriate, and the professionals responsible for supporting the young person to prepare [...] should be able to confirm that the young person has developed the skills necessary to manage any transition to more independent living arrangements where, as a result, less support will be provided.³¹

13. Despite local authorities’ duties being made explicit in legislation and guidance, evidence suggested that planning and preparation for moving to greater independence or leaving care are often insufficient. A report by a coalition of voluntary and

23 The Children Act 1989, Schedule 2 Part II Section 19B

24 The Children Act 1989, Section 23B

25 The Children Act 1989, Section 23C

26 The Care Leavers (England) Regulations 2010 (SI 2010/2571), Schedule 1; see also The Care Planning, Placement and Case Review (England) Regulations 2010 (SI 2010/959), Schedule 8

27 The Children Act 1989, Section 23B(7)

28 Department for Education (16P 29) para 14

29 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 3.5

30 The Care Leavers (England) Regulations 2010 (SI 2010/2571), Schedule 1; see also The Care Planning, Placement and Case Review (England) Regulations 2010(SI 2010/959), Schedule 8

31 Department for Education, The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, March 2010, para 5.25

community sector organisations, *Still Our Children: Case for reforming the leaving care system in England* (2013), stated:

[...] preparation is often poor, and planning inadequate. Many young people lack the life skills and support they need. Young people's transitions from care to adulthood are often 'accelerated and compressed' and for many leaving care can be 'instant adulthood'.³²

This is supported by the finding published in the Children's Rights Director's Report, *After Care* (2012), that "Nearly half (49%) [of care leavers] thought they had been prepared badly or very badly [for independent life]".³³

14. Evidence to our inquiry highlighted several areas of particular concern, which centred on the sufficiency of local authorities' undertaking of planning and preparation and the engagement with young people throughout this process. On the former point, witnesses questioned the quality, effectiveness and implementation of pathway planning and the age at which the process begins.³⁴ The first concern is supported by Ofsted's finding, following inspections conducted under the new framework, that "the quality of support plans remains a significant deficit in too many local authorities".³⁵ Other witnesses doubted whether young people have their plan regularly reviewed, even when requested,³⁶ and further concerns focused on the lack of readiness for independent living, including practical skills, such as cooking and financial management, as well as emotional readiness and social capital.³⁷ Professor Mike Stein argued that young people lack awareness of, and engagement with, pathway planning.³⁸

15. Ofsted's single inspection framework, introduced in November 2013,³⁹ now includes a specific grade judgement on local authorities' services to care leavers. According to Ofsted, the *Inspections of services for children in need of help and protection, children looked after and care leavers* framework "look[s] closely at early planning and preparation for independence for looked after young people".⁴⁰ It focuses on the experiences of individual children and young people, "as explored through a representative sample of tracked and sampled cases".⁴¹ Findings gathered in this way

32 Barnardo's, *Still our children: the case for reforming the leaving care system in England: briefing for the House of Commons report stage of the Children and Families Bill*, May 2013, para 12

33 Ofsted, *After Care: Young people's views on leaving care* Reported by the Children's Rights Director for England, March 2012, p 24

34 Q6; see also Q41 and Catch22 (16P 26) para 4.3

35 Ofsted (16P 35) para 10

36 Q6

37 The Who Cares? Trust (16P 12) para 5.2; see also Barnardo's (16P 16) para 3.8, St Basils and Homeless Link (16P 19) para 20, and The Care Leavers Association (16 P27) para 5

38 Q6

39 Ofsted, *Ofsted's single inspection takes effect*, 7 November 2013

40 Ofsted (16P 35) para 8

41 Ofsted (16P 37) para 3

“form the core of the inspection evidence”, though other sources of evidence are used to “triangulate evidence and to reach judgements”,⁴² including:

[...]case file analysis, direct testimony from young people and others involved in their care and support, relevant performance data and evaluation of the quality of corporate parenting.⁴³

Natasha Finlayson, CEO of The Who Cares? Trust, told us that the framework’s inclusion of a specific judgement on the experiences and progress of care leavers:

[...] should make a positive difference [...] because local authorities should be held to account for the preparation they are giving care leavers.⁴⁴

16. When asked what the DfE is doing to improve the planning and preparation for young people moving to greater independence, the Parliamentary Under-Secretary of State for Children and Families, Edward Timpson MP, told us that the Transition guidance on pathway planning was strengthened in 2011 to make:

[...] clear what local authorities have to do to ensure that such planning is done in a way that meets the needs of the individual young person.⁴⁵

The Minister also pointed to the recent change in the law, which requires the decision for any 16 or 17 year old to leave care to be signed off by the Director of Children’s Services.⁴⁶

17. Despite strengthened guidance from the DfE and more rigorous scrutiny of young people’s readiness to leave care by local authorities, evidence to us suggests that the quality and effectiveness of planning and preparation for a young person’s transition to greater independence is too often inadequate. We therefore welcome Ofsted’s single inspection framework and believe that it has the potential to bring about improvements, by including an assessment of early planning and preparation. It is essential that the testimony of young people and other sources are used to complement evidence from tracked and sampled cases of looked after young people and care leavers, to ensure that Ofsted has a comprehensive picture of the quality of pathway planning and preparation for all young people.

Having a voice and a choice

18. Young people told The Children’s Society that:

42 Ofsted (16P 37) para 3

43 Ofsted (16P 37) para 4

44 Q14

45 Q159

46 Q159

[...] the quality of [pathway] planning depended on how much young people were involved in the process and whether there was a choice in what support and accommodation were available locally.⁴⁷

Further evidence to us suggested that young people are often given neither a choice of placement, nor the opportunity to voice a preference or grievance. We were told by several of the young people with whom we met, “I had no choice”. One young person said, “Decisions are made about us, without us”. The Who Cares? Trust reported that young people aged 16 or 17:

[...] often do not have a choice about where they live and can find it hard to refuse the accommodation [...] despite having good reasons for not wanting to live there [...].⁴⁸

This lack of empowerment was also noted by The Howard League for Penal Reform:

[...] many young people do not think that they can challenge the adequacy of their accommodation and support.⁴⁹

19. The Coram Group found that:

The young person’s views are frequently not adequately considered and advocacy support is vital to ensure this happens [...].⁵⁰

It recommended that:

Independent advocacy must be offered to all looked after young people, unless they opt out, at their LAC review prior to a decision being made to place them in ‘other arrangements’ so that their wishes and feelings are heard and their rights are met.⁵¹

20. Other witnesses agreed that independent advocacy could be a valuable service for looked after young people, enabling them to have their views heard during important decision-making processes. The Children’s Society said:

We believe that it is of crucial importance that all vulnerable children aged 16+ have access to an independent advocate to help them navigate the system, ensure they are heard in decisions made about them and help them challenge service providers not fulfilling their obligations.⁵²

21. Section 26A of the 1989 Act imposes duties on local authorities in respect of the provision of advocacy services. Transition guidance states that:

47 The Children’s Society (16P 30) para 4.1

48 The Who Cares? Trust (16P 12) para 2.1; see also Just for Kids Law (16P 13) para 1.4, and The Howard League for Penal Reform (16P 25) para 36

49 The Howard League for Penal Reform (16P 25) para 36

50 The Coram Group (16P 24) para 14

51 The Coram Group (16P 24) para 28

52 The Children’s Society (16P 30) para 2.6

All looked after children must be made aware of their entitlement to independent advocacy support and how they can access it. This entitlement is not just for when a looked after child or care leaver wishes to complain, it includes situations where young people need to make representations about the quality of the care and support provided by their responsible authority.⁵³

Access to advocacy will be particularly important where the local authority's decision-making processes concern the child's readiness to move from their care placement.⁵⁴

Despite this statutory duty and widespread recognition of the important role that advocacy services play, The Children's Society found that:

[...] advocacy support is not always offered to young people [...] Many children are not told about their right to advocacy support and not all local authorities commission such services.⁵⁵

This message was reinforced during our discussions with care leavers and looked after young people, many of whom, although agreeing on the value of having an independent advocate, were neither aware of their right to access this service, nor knew of the relevant organisations to approach. We asked young people what would help them when making decisions and one young person responded, "Knowing about advocates and people who can fight for your rights". Another young person told us, "Google becomes your best friend". This further highlighted a lack of awareness on where to go and who to speak to in order to find out about rights and entitlements.

22. The Minister acknowledged young people's lack of awareness of their right to request a review of their pathway plan. He also noted the important relationship between young people being aware of their rights and having access to appropriate support services:

[...] too many children and young people either are not aware of the change [giving them a right to request a review of their pathway plan] or, when they do seek a request, find it very difficult to get the support that they need to see it through to a proper review and conclusion.⁵⁶

He cited the DfE's collaboration with the National Youth Advocacy Service (NYAS) and Voice, to "ensure [...] better independent advocacy, which is still nowhere near where it needs to be [...]".⁵⁷

53 Department for Education, *The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers*, October 2010, para 2.14

54 Department for Education, *The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers*, October 2010, para 2.15

55 The Children's Society (16P 30) para 4.6 – 4.7

56 Q162

57 Q162

23. The improved availability of independent advocacy services is central to ensuring that young people have a voice in the process of pathway planning and a real choice in where they live. We welcome the DfE's work with the National Youth Advocacy Service and Voice to ensure better advocacy services. Greater availability of independent advocacy must be accompanied by efforts to increase awareness among young people of their right to access such services and to improve their knowledge of how and where to do so. There are also issues around young people's general lack of awareness of all their rights and entitlements.

24. The DfE must ensure that looked after young people approaching independence are fully and effectively informed of their rights and entitlements and given a genuine choice of accommodation; and the DfE must do more to ensure and monitor the take-up of best practice amongst local authorities.

3 The importance of stable relationships

The appointment of Personal Advisers

25. In addition to, and distinct from, providing independent advocacy, local authorities have a statutory duty to appoint a Personal Adviser (PA) for all eligible, relevant and former relevant young people.⁵⁸ Statutory guidance and regulations outline the core functions of a PA to advise, assist and support a looked after young person in their preparation for, and transition to, independence.⁵⁹ It is possible for a young person's PA to be a carer, or other professional, with whom they have an established relationship. Transition guidance states:

Where a young person has developed a trusting relationship with a carer then it should be possible for the local authority to delegate aspects of the PA function to them, as it will clearly be in young people's interests to build on the positive relationships they have already established. However, in these circumstances the responsible authority must be clear as to the support that the carer will be providing and how any potential conflicts of interests might be managed.⁶⁰

The guidance also highlights the value of continuity in the appointment of a PA:

It will be good practice, where possible, for the young person to maintain the same PA from the age of 18 that was allocated to their support when they were an eligible or a relevant child.⁶¹

26. Marie Tucker, an independent social care consultant, told us that local authorities often interpret the legislation to mean that they have to provide the PA, with the result that they “will then introduce a new person into that young person's life”.⁶² She argued that this led to the social services sector “wasting significant resources” and created further disruption for young people.⁶³ She explained:

Many children are supported by excellent foster carers and residential workers who have skills, experience and knowledge in how to effectively support young people into adulthood. Under legislation these individuals can carry out the personal advisor role. However, the majority of local authorities

58 The Children Act 1989, Section 23D

59 The Care Leavers (England) Regulations 2010 (SI 2010/2571), Regulation 8; see also Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 3.27 – 3.43

60 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 3.25

61 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 3.19

62 Q7

63 Marie Tucker (16P 6) para 3

do not recognise this and will still appoint a local authority personal advisor (who often does not know the young person and who has to spend considerable time building up a relationship). This can sometimes be surplus to requirement, especially where the child's key carer is competent and willing to carry out the personal advisor functions. LA's should not automatically appoint a Local Authority personal advisor, but should first explore whether or not the child's key carer can carry out the role. This would benefit many young people and create efficiencies.⁶⁴

Both Jonathan Stanley, CEO of the Independent Children's Homes Association (ICHA), and Sally Morris, Director of Young People and Families at Catch22, agreed with Marie Tucker on this issue. Jonathan Stanley argued that:

[...] having another parenting function coming into [the young person's] life is not necessarily helpful.⁶⁵

Sally Morris said:

If a young person makes a connection, they should be able to nominate that person as the person that they want to support them [...] the PA role, it is a function rather than a role.⁶⁶

27. Despite this, Sally Morris recognised that there would be some "practical difficulties" in implementing this sort of model, "particularly in very large local authorities, where you have to have some organisation principles". Nevertheless, she did not see these difficulties as insurmountable, but rather as presenting the need for "innovation and for different ways of providing [...] those less high-risk parts of children's services".⁶⁷

28. The Minister agreed that:

It is right to make it clear that 'personal adviser' is a function rather than a specific person who is appointed [...] There is nothing in the regulations or the statutory guidance to stop [local authorities] from using valuable resources, like foster carers [or someone who works in a children's home], as a de facto personal adviser [...].⁶⁸

When questioned on the clarity of guidance, given local authorities' apparent recurring misinterpretation, the Minister undertook to:

[...] go back and look to see whether I am satisfied that it is clear enough. If it is not, I will want to encourage a wider pool of people to be able to fulfil that responsibility [...].⁶⁹

64 Marie Tucker (16P 6) para 3

65 Q137

66 Q141

67 Q141

68 Q163

69 Q164

Supplementary written evidence from the DfE following the evidence session argued that:

We [...] are of the view that the section on the role of the personal adviser (PA) is sufficiently clear. The guidance says that where a young person has developed a trusting relationship with a foster or other carer then the local authority can delegate all or some aspects of the PA function to them.⁷⁰

The DfE reiterated the need to consider how “any potential conflicts of interests might be managed” and stressed the importance of any appointed PA having the “required skills and the necessary time to undertake the role”.⁷¹

29. Evidence from St Basils and Homeless Link stressed the importance of stable relationships:

What young people say makes [sic] the difference is a trusting relationship with one or two key adults who are a consistent source of support for them, for example, their carers, their Personal Adviser, the key worker in supported accommodation. This support should start before they leave care and transition with them [...].⁷²

This message was echoed by young people we met, one of whom told us that what would have helped when making decisions was “A network of strong relationships that run with you throughout your whole journey”. Yet others felt that there was no continuity of relationships when transitioning out of care. One young person said, “When you leave care you lose your social worker. You get a PA but there’s no continuity [...]”.

30. The automatic appointment of a Personal Adviser as a separate and new role can in some cases be a source of disruption for young people and an inefficient use of stretched resources.

31. We recommend that the DfE clarify and strengthen guidance to the effect that local authorities must consider, as a first option, appointing an existing carer or other professional with whom a young person has an established relationship as a Personal Adviser, and involve the young person in this decision. Wherever possible, the same Personal Adviser should offer consistent support throughout a young person’s preparation for and transition to independence.

Maintaining positive relationships

32. It is a statutory requirement that a pathway plan considers “The support to be provided to enable the child or young person to develop and sustain appropriate family

70 Department for Education (16P 38) p 1

71 Department for Education (16P 38) p 1

72 St Basils and Homeless Link (16P 19) para 12

and social relationships”.⁷³ Transition guidance specifies that this dimension of the pathway plan must address:

[An] Assessment of the young person’s relationship with their parents and wider family.

Contact with family—carried across from care plan.

[The] Young person’s relationship with peers, friendship network and significant adults [as well as a] Strategy to improve any negative features of these relationships.

How all these relationships will contribute to the young person making a successful transition to adulthood and how they will assist with integration into the community that they identify with.⁷⁴

33. Despite the stipulation that a social network be identified as part of pathway planning, our evidence suggested that this is not always achieved. During our informal discussions with young people and care leavers, we heard that many find the move to semi-independent, or independent, living to be a daunting prospect and challenging experience, not least because they often feel isolated, lonely and unsupported. In one case, a young person told us, “I had a phone but I didn’t know who to call when I needed help”. The Children’s Society cited consultations it had held with care leavers, who “often report feeling [...] isolated and not having a social network to support them when they leave care”.⁷⁵ Marie Tucker told us:

For some young people, what becomes most important to them is their friends and their siblings [...].⁷⁶

34. The Children’s Society believed that issues around social networks for young people who move to greater independence or leave care can be addressed by emphasising the role of pathway planning in identifying and developing important relationships:

It is very important that pathway planning focuses on relationships and how to support young people to develop networks to the same extent as on issues around accommodation, education etc. For example, relations with siblings, family or friends should be explored and addressed in review meetings and pathway planning.⁷⁷

Professor Mike Stein suggested an alternative way to improve the identification and promotion of sustainable relationships, recommending that:

73 The Care Leavers (England) Regulations 2010 (SI 2010/2571), Schedule 1; see also The Care Planning, Placement and Case Review (England) Regulations 2010 (SI 2010/959), Schedule 8

74 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, Figure 1 p 24–26

75 The Children’s Society (16P 30) para 4.2

76 Q71

77 The Children’s Society (16P 30) para 4.2

[...] local authorities use family group conferences for older young people and teenagers, as they do in the child protection process, to identify positive family and friendship networks, which can be valuable for young people on their journey to adulthood.⁷⁸

35. Relationships with siblings were raised with us as a particular issue. Unlike regulations for a care plan, there is no explicit requirement for a pathway plan to consider the importance of maintaining and promoting positive relationships with siblings.⁷⁹ We were struck, during our informal discussions, by the accounts we heard of young people not being encouraged or supported to maintain relationships with siblings, despite their strong desire to do so.

36. We asked the Minister what guidance there was to encourage young people's relationships with siblings when they moved to greater independence. He noted that guidance existed, but undertook to "look at the detail of what we have within the guidance that is to do with that particular area and see whether it fulfils its purpose".⁸⁰ His follow-up response pointed to the guidance on pathway planning, outlined above. He also noted:

There is a specific requirement for the care plan to set out arrangements for the child or young person to maintain contact with brothers and sisters [...].

We have recently strengthened the sections on siblings in the care planning guidance which recognises that maintaining contact with siblings is reported by children to be one of their highest priorities.⁸¹

37. We acknowledge that existing regulations on pathway planning require the identification of, and support for, young people to develop and sustain "appropriate family and social relationships". In meeting this duty local authorities must look beyond relationships with carers and professionals and recognise that looked after young people may have established positive relationships with a range of people, including siblings and friends. We believe that in order to fulfil their purpose of promoting, developing and sustaining such important relationships, the pathway planning regulations should specifically refer to siblings.

38. The pathway planning guidance must be altered so as specifically to include relationships with siblings. We recommend that the DfE review how well pathway planning guidance fulfils its purpose to encourage, develop and sustain positive and stable family and social relationships.

78 Q56

79 The Care Planning, Placement and Case Review (England) Regulations 2010 (SI 2010/959) Regulation 5; see also Schedule 1(3)

80 Q167

81 Department for Education (16P 38) p 2

4 'Other arrangements': Suitability, regulation and inspection

39. 22% of looked after 16 and 17 year old young people live in neither residential homes nor foster care, but in what is termed 'other arrangements' (see para 6). Evidence from the DfE addressed the inspection of 'other arrangements':

Unlike foster and residential care these placements are not regulated under the Care Standards Act 2000 and as a result will not be inspected by Ofsted.

However statutory guidance says that it is essential that the responsible authority takes every step to establish that the child's needs are matched to the services provided by the placement. Also in every case, before making the placement the local authority must establish that the accommodation is suitable. Our statutory guidance says suitable accommodation is:

suitable for the child in light of his/her needs, including his/her health needs;

one in which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider; and

complies with health and safety requirements related to rented accommodation.

Ofsted inspect local authorities' performance on meeting their statutory duties in this area.⁸²

Although not cited by the DfE, Transition guidance also states that suitable accommodation is accommodation:

In respect of which the responsible authority has, so far as reasonably practicable, taken into account the child's

wishes and feelings; and

education, training or employment needs.⁸³

40. Schedule 2 of the Care Leavers (England) Regulations 2010 outlines "matters to be considered before placing [a young person] in accommodation in an unregulated setting [...]":

1. In respect of the accommodation, the—

(a) facilities and services provided,

82 Department for Education (16P 29) para 28–30

83 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 7.13

- (b) state of repair,
- (c) safety,
- (d) location,
- (e) support,
- (f) tenancy status, and
- (g) the financial commitments involved for C [the young person] and their affordability.

2. In respect of [the young person], [the young person's]—

- (a) views about the accommodation,
- (b) understanding of their rights and responsibilities in relation to the accommodation, and
- (c) understanding of funding arrangements.⁸⁴

The Minister assured us that:

[...] there is already some level of light-touch inspection, both by the local authority and how they commission those services, and what they commission them against [the statutory guidance and Schedule 2 outlined above]. Ofsted are then looking at how the local authority are fulfilling that.⁸⁵

41. Ofsted oversees 'other arrangements' by means of the graded judgement within the single inspection framework on the experiences and progress of care leavers, which includes young people who are looked after and are preparing to leave care.⁸⁶ The Minister told us that the single inspection framework, which "looks unashamedly at the child's experience", is:

[...] a better regime for extracting what is important for both the quality of service that young people are receiving and their experiences [...].⁸⁷

Ofsted's single inspection framework assesses the experiences and progress of care leavers through scrutinising a "representative sample of at least 25 tracked cases." Ofsted asserted:

The quality and suitability of accommodation for care leavers contributes significantly to the judgement that inspectors make on the experiences and outcomes of care leavers.⁸⁸

84 The Care Leavers (England) Regulations 2010 (SI 2010/2571), Schedule 2; see also Care Planning, Placement and Case Review (England) Regulations 2010 (SI 2010/959), Schedule 6

85 Q175

86 Ofsted (16P 35)

87 Q171

[...]

Case tracking may involve inspectors visiting young people where they are living, when it is possible and appropriate to do so.⁸⁹

42. Catch22 revealed:

Local authorities have adopted a range of measures to seek to ensure that accommodation provided to young people is safe and appropriate.⁹⁰

Such measures include “regions and sub-regions [...] [joining] together to adopt quality frameworks with standards and expectations”,⁹¹ as well as the adoption and development of existing “vetting and approval processes”.⁹² Nevertheless, while YMCA England told us that some local authorities do “provide a decent variety of accommodation which supports the needs of this group”,⁹³ Ofsted’s inspection evidence found that there is “significant variation in the quality and sufficiency of accommodation for care leavers”.^{94,95} The Who Cares? Trust reported anecdotal evidence from young people about living in:

[...] unsafe and unsuitable accommodation [...] sharing accommodation with other young people who are violent or addicted to drugs, of having their rooms broken into and property stolen, of houses being dirty, ill-equipped, or having problems with ants and mice [...] about staff leaving the accommodation during their shifts and leaving young people in vulnerable situations [and] anecdotal evidence of 16 and 17 year olds sharing accommodation with adults who are over 18.⁹⁶

43. Just for Kids Law Youth Ambassadors also reported that young people had described accommodation as: “‘terrible’, ‘unbearable’, ‘small and dirty’ [...] [infested with] cockroaches, wood lice and bed bugs”.⁹⁷

44. Not only is alternative accommodation⁹⁸ often unsuitable, but more worryingly, it is also often unsafe. Our informal discussions with young people gave us an alarming insight into the deficits in the suitability and safety of some of the alternative

88 Ofsted (16P 37) para 8

89 Ofsted (16P 37) para 12

90 Catch22 (16P 26) para 4.f

91 Catch22 (16P 26) para 4.g

92 Catch22 (16P 26) para 4.i

93 YMCA England (16P 20) para 2.1

94 Ofsted (16P 35) para 10

95 Findings are based on the 13 published inspection reports, as at 14 May 2014, conducted under the single inspection framework as well as five targeted inspections of services for looked after children carried out in the summer of 2013

96 The Who Cares? Trust (16P 12) para 4.2

97 Just for Kids Law Youth Ambassadors (16P 15) p 1

98 Throughout this report ‘alternative accommodation’ will be used interchangeably with ‘other arrangements’.

accommodation in which 16 and 17 year olds are placed. One young person told us of being placed in a hostel in which there were no adults present and only one security camera outside the building.⁹⁹ She was concerned that anything could be going on inside the hostel and no one would know. Although her needs were not judged to be that high, she felt that this overlooked the fact that she was still only 16 years old. Another young person described her time in a hostel as “the worst experience of my life”, where other residents were taking drugs and drinking alcohol. She told us that she was “beaten up”, simply for being new to the hostel and the youngest resident. It was four days before her social worker deemed the placement to be unsafe; in the meantime she just “locked [herself] in [her] room”. Such accounts were corroborated by the Coram Group’s experience:

[...] social work assessment identifying suitable accommodation is often inadequate and hence unsuitable accommodation is provided in which safety issues, such as threats from gang members, domestic violence and other safeguarding concerns are not properly considered.¹⁰⁰

The British Association of Social Workers (BASW) argued that the absence of set standards and Ofsted inspections presented the opportunity for:

[...] abuse and neglect given that vulnerable young people in these settings can become isolated and subject to exploitation.¹⁰¹

45. Several submissions recommended strengthening the regulation and inspection of ‘other arrangements’. For example, BASW was:

[...] firmly of the view that the government needs to apply regulatory duties to all accommodation providers who accommodate looked after children in order that they are appropriately safeguarded and the provision meets acceptable standards.¹⁰²

This view was shared by frontline professionals and young people alike. A survey of frontline staff conducted by Catch22 found that nearly 95% either ‘strongly agreed’, or ‘agreed’, that “Supported accommodation should be more closely regulated”.¹⁰³ In addition, The Who Cares? Trust reported that “Young people who live in alternative accommodation are concerned that there is no regulatory body to inspect homes”.¹⁰⁴

46. Professor Mike Stein identified “The lack of regulation” as his main concern about the quality and safety of the accommodation on offer.¹⁰⁵ He added that there should be

99 The hostel was on a site that had four hostels, two of which were staffed and two were not. Residents were placed in a staffed or unstaffed hostel based on an assessment of their needs.

100 The Coram Group (16P 24) para 14

101 The British Association of Social Workers (16P 22) para 11

102 The British Association of Social Workers (16P 22) para 11; see also St Christopher’s Fellowship (16P 3) p 3 and The Coram Group (16P 24) para 9

103 Catch22 (16P 26) para 4.k

104 The Who Cares? Trust (16P 12) para 2.2

105 Q23

“a thorough review of the way [...] alternative accommodation is regulated”.¹⁰⁶ Other witnesses agreed in oral evidence that there needed to be stronger quality assurance mechanisms for ‘other arrangements’.¹⁰⁷

47. Witnesses differed, however, over whether suitability should be ensured through regulation (for example by extending existing legislation) or through the creation of quality standards, specific to the kinds of accommodation in question. On the one hand Professor Mike Stein suggested, “The legal framework, the Care Standards Act 2000, could be extended to unregulated accommodation”.¹⁰⁸ On the other hand, Catch22 cautioned against overly rigorous and universal regulation:

[...] any universal approach to regulation and quality assurance would face considerable challenges, the diversity of situations, models and approaches would make the development of standards and expectations difficult.¹⁰⁹

Regulation may also stifle the creativity in support arrangements needed to allow young people to practice their independence skills. Residential or foster care standards would not be appropriate in many cases. We would favour a less mechanistic approach than current fostering and residential standards and inspection.¹¹⁰

48. Catch22’s Director of Young People and Families, Sally Morris, reiterated this point in oral evidence and instead proposed a “national framework [...] that would not be too difficult to pull together”. She said, it would “need to be simple to cater for the range of accommodation that falls into that alternative accommodation that is not currently regulated”, suggesting that:

It could bring together some of the schedule [2] guidance in the regulations that is fragmented and in different places at the moment [...] It does not need to be too onerous [and would cover] all the basic standards that you would expect to see [...].¹¹¹

49. Despite differences over the specific formulation of a national framework, witnesses agreed that a practical arrangement would be for local authorities to be held accountable to a set of standards, however defined, through Ofsted’s “regulation, oversight and inspection of the conduct of the local authority and its commissioning arrangements”.¹¹² Ofsted itself was:

106 Q30

107 Q34

108 Q35

109 Catch22 (16P 26) para 4.m

110 Catch22 (16P 26) para 4.n

111 Qq116–117

112 Q119 see also Q32 and Q33

[...] not convinced [...] that stronger regulation of a complex and varied sector would address the uneven quality of care and support for young people.¹¹³

It added:

[...] consideration may need to be given to strengthening the guidance for commissioning unregulated providers, such as through the use of quality standards. This has the potential to raise standards and Ofsted would evaluate this through the single inspection framework.¹¹⁴

50. The Minister was similarly cautious about over-regulating, arguing:

[...] whenever there is some poor practice [...] there is always the option to look to regulation to try to plug the gap [...] you have to be careful that you don't over-regulate.¹¹⁵

Despite this position, the Minister assured us of his commitment and determination to “do whatever it takes” to see improvements in the way young people are served by the care system:

I remain determined to continue to push the boundaries where they need to go, whether that is by delivering services differently, having a sharper focus on certain areas of the system, or improving quality assurance or accountability—whatever it takes. I want to do what I can to make sure that children themselves get what they deserve.¹¹⁶

51. ‘Other arrangements’ for looked after 16 and 17 year olds are too often neither safe nor suitable, a situation exacerbated by the lack of a regulatory regime for this kind of accommodation. The diversity of the provision presents difficulties for the implementation of stronger, universal regulation, but the challenges are not so great as to justify the continuation of inadequate and ineffective quality assurances for ‘other arrangements’.

52. While we welcome the emphasis that the single inspection framework places on the experience of individual children, we are concerned that a methodology based on tracking a sample of cases will fail to ensure the suitability of all ‘other arrangements’. This would not be an acceptable approach for other settings, such as schools or residential children’s homes, and it should not be acceptable for the accommodation in which some of society’s most vulnerable young people are housed.

53. Quality standards will not suffice as a guarantee of safe and suitable accommodation. By focusing on and overcoming the obstacles to more

113 Ofsted (16P 35) para 12

114 Ofsted (16P 35) para 15

115 Q176

116 Q174

comprehensive regulation, the Minister could demonstrate his commitment and determination to “do whatever it takes [...] to make sure that children themselves get what they deserve”.

54. There are measures to ensure the quality and safety of settings for children and young people right across provisions: childminders, foster carers, residential children’s homes, secure training centres, schools, sixth form colleges and further education colleges are all inspected. Yet accommodation that falls within the category of ‘other arrangements’ is not subject to individual regulatory oversight. What makes this distinction all the more illogical is that the 22% of looked after 16 and 17 year olds who live in such accommodation are among the most vulnerable young people in society. It is unacceptable for these young people, still legally defined as ‘children’ and in the care of their local authority, to be housed in unregulated settings.

55. *We recommend that the DfE consult on a framework of individual regulatory oversight for all accommodation provision that falls within the category ‘other arrangements’ to ensure suitability while allowing for continuing diversity of provision.*

5 Use of bed and breakfast

56. Transition guidance confirms that “Bed and breakfast accommodation is not considered to be suitable”.¹¹⁷ Statutory guidance to the Children (Leaving Care) Act 2000 qualifies this by saying “very occasionally its use may be justified as a short-term emergency measure”,¹¹⁸ and B&Bs therefore fall within the category of ‘other arrangements’. The DfE does not collect data on the number of looked after 16 or 17 year olds placed in B&Bs, but 22% of looked after 16 and 17 year olds are living in ‘other arrangements’ (see para 6).

57. Evidence from The Who Cares? Trust referred to a Passport to Parliament event held in November 2012, at which 39% of young people said that they “knew a looked after child or care leaver living in a bed and breakfast”.¹¹⁹ Just for Kids Law also reported that they “still encounter many local authorities unlawfully placing 16–17 year olds in bed and breakfast accommodation [...]”.¹²⁰ Our informal discussions with young people have provided further accounts of the continued use of B&Bs for 16 and 17 year olds, sometimes for extended periods of time. One young person informed us that she had been living in a B&B for two years. Accounts of the use of B&Bs are supported by Ofsted’s inspection reports published under the single inspection framework, which identified that “bed and breakfast accommodation is still being used in some local authorities”.¹²¹

58. YMCA England argued that B&Bs leave young people “still vulnerable to exploitation from others who move into the accommodation”, as a result of the difficulties in monitoring and supervising such accommodation.¹²² Young people told Centrepoint of having had “negative experiences” in B&Bs,¹²³ and young people told us directly of their own experiences of feeling threatened and scared whilst living in a B&B. One young person told us of being placed in a B&B as an emergency placement for three weeks, yet it was primarily for adults and she was the only young person. She said that other older residents would come knocking on her door asking her to join them in their rooms, which was an incredibly frightening experience.

Banning the use of B&Bs

59. Witnesses from YMCA England and the ICHA supported an outright ban on the use of B&Bs, within a set time frame.¹²⁴ Catch22 and the Association of Directors of

117 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 7.12

118 Department of Health, Children (Leaving Care) Act 2000 Regulations and Guidance, para 14

119 The Who Cares? Trust (16P 12) para 3.6

120 Just for Kids Law (16P 13) para 1.2

121 Ofsted (16P 35) para 10

122 YMCA England (16P 20) para 2.3

123 Centrepoint (16P 7) para 16

124 Q114

Children’s Services (ADCS) were also supportive, but pointed to the possible negative implications of introducing such a proposal in the absence of other provision. Sally Morris, Director of Young People and Families at Catch22, and Andrew Christie, of the ADCS, explained:

The reality is that there is a need for emergency, crash-pad accommodation for a very distressed young person who is in an urgent situation and needs accommodation [Sally Morris].¹²⁵

[...]

[In the absence of such provision] The alternative could be that [the local authority has] nothing to provide for that young person [Andrew Christie].¹²⁶

60. As a means to mitigate the unforeseen consequences of banning B&Bs, witnesses recommended that local authorities should do more to provide and commission specifically designed facilities for emergency situations. Professor Mike Stein recommended:

You need contingency carers [...] You would have to build up a respite-care system that was regulated and controlled, to avoid the use of the B&B market [...].¹²⁷

61. The Minister agreed with these views. He told us:

The temptation [to ban B&Bs] is there. We need to be a little careful [...] You cannot rule out the scenario, despite its unacceptability, in every situation, such as an emergency placement at 11 o’clock at night when there is literally nowhere else available.¹²⁸

He added:

The way to deal with that is to make sure that local authorities go back to the commissioning aspect of their role [...] It is also about how local authorities can better innovate and find alternative emergency accommodation that is always available.¹²⁹

The Minister pointed to Wiltshire as an example of best practice. In this authority “the use of bed and breakfast accommodation is avoided”, largely as a result of the “host families scheme”, which provides “high quality emergency accommodation across the county while suitable longer-term options are explored”.¹³⁰

125 Q97

126 Q103

127 Q46

128 Q189

129 Q189

130 Department for Education (16P 38) p 3

62. Local authorities have a statutory duty to secure a range of sufficient, suitable accommodation for looked after children.¹³¹ Care Planning guidance states:

The sufficiency duty requires local authorities to do more than simply ensure that accommodation be ‘sufficient’ in terms of the number of beds provided. They must have regard to the benefits of securing a range of accommodation through a number of providers. The accommodation must also meet the needs of the children which will be wide-ranging depending on age and the nature of any difficulties.¹³²

[...]

A key implication of the sufficiency duty is that local authorities should:

[...]

facilitate access to limited, surplus provision or planned standby accommodation—to accommodate emergency placements; [...]¹³³

63. A consequence of failing to commission sufficient accommodation appears to be the overuse of B&Bs, with YMCA England attributing the use of B&Bs to “a lack of purpose designed accommodation for [older young people]”.¹³⁴ We were advised that a closer regard for the sufficiency duty by local authorities could mitigate the possible negative consequences of banning B&Bs. During our inquiry into residential children’s homes, and in relation to out-of-authority placements, we raised concerns about local authorities’ disregard for the sufficiency duty and argued:

One way of helping local authorities to meet the sufficiency duty is through the creation of commissioning consortia.¹³⁵

[...]

Providing they are structured in the right way, there is evidence that commissioning consortia can offer a valuable way of helping local authorities meet their sufficiency duties [...].¹³⁶

We welcome the Government’s work through the Innovation Programme “to encourage proposals for different commissioning models and commissioning consortia to effectively meet the needs of young people in care”, which it outlined in its response

131 The Children Act 1989, Section 22G

132 Department for Education, Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, March 2010, para 3.179

133 Department for Education, Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, March 2010, para 3.182

134 YMCA England (16P 20) para 2.3; see also St Basils and Homeless Link (16P 19) para 7

135 Sixth Report from the Education Committee, Residential Children’s Homes, HC (2013–14) 716, para 83

136 Sixth Report from the Education Committee, Residential Children’s Homes, HC (2013–14) 716, para 90

to our report.¹³⁷ This is applicable to, and could be significant for, achieving a reduction in the use of B&Bs for looked after young people.

64. St Basils and Homeless Link identified strengthened accountability as another means through which the use of B&Bs could be reduced:

Housing Authorities have to report to [the Department for Communities and Local Government] on a quarterly basis the numbers of children aged 16 and 17 who are placed in B&B under Housing Act duties and any placements over 6 weeks. This has been instrumental in reducing the use of B&B for homeless young people [...] We recommend [...] that Children's Services should be required to record and monitor the number of 16 and 17 year olds and under 25s placed in B&Bs and report these figures to the DfE on a quarterly basis, to mirror the DCLG reporting cycle for Housing Authorities.¹³⁸

65. Statutory guidance is clear that B&Bs are unsuitable for young people in care and should only be used in very particular, emergency situations. Nonetheless, we are deeply troubled by the continued use of B&Bs. Far from being merely unsuitable, B&Bs can present an environment which feels unsafe and threatening to a young person.

66. We recognise that a hastily introduced ban on B&Bs could lead to the unacceptable situation in which no placement can be offered to a young person who requires emergency accommodation. Nonetheless, an outright ban on B&Bs should be the long-term objective, to be achieved through stronger enforcement of the sufficiency duty, which explicitly requires the provision of surplus placements to meet emergency need. The creation of commissioning consortia should continue to be encouraged to assist with local authorities fulfilling this duty.

67. We recommend that the DfE consult urgently with local authorities on a reasonable timeframe in which to introduce a total ban on the use of B&Bs, alongside a strengthened requirement for local authorities to commission sufficient alternative emergency facilities. We also recommend that the DfE look further into models of emergency provision, such as that in Wiltshire, and consider contingency carers, as one way to mitigate the possible negative consequences of banning B&Bs. In the meantime, while setting up and running the consultation, the DfE should reiterate the message that B&Bs must only be used in extreme, emergency circumstances and for a very limited period of time, no more than a few days.

68. The DfE should require local authorities to report on their use of B&B accommodation for looked after young people, to include the length of stay, the age of the young person and the reason for being placed there.

137 First Special Report from the Education Committee, Residential Children's Homes, HC (2014–15) 305, p 15

138 St Basils and Homeless Link (16P 19) para 9

6 Staying Put

Leaving care at the age of 16 or 17

69. There is a declining trend in the number of young people who leave care aged 16 and 17, with more staying until they are 18:

Table 1: children aged 16 years and over who ceased to be looked after during the years ending 31 March

Year	2009	2010	2011	2012	2013
Age on ceasing (years)					
16	1,890 (22%)	1,920 (21%)	1,940 (19%)	1,740 (17%)	1,640 (16%)
17	1,490 (17%)	1,530 (17%)	1,770 (18%)	1,700 (17%)	1,510 (15%)
On 18th birthday	5,310 (61%)	5,680 (62%)	6,270 (63%)	6,570 (65%)	6,800 (68%)

Source: Department for Education, Children looked after in England, including adoption, December 2013¹³⁹

Despite this positive trend and the statutory guidance that “No young person should be made to feel that s/he should ‘leave care’ before s/he is ready”,¹⁴⁰ there is still a concern that too many young people leave care at the ages of just 16 or 17. Natasha Finlayson, CEO of The Who Cares? Trust, told us:

It absolutely is a concern [that young people continue to leave care at as young an age as 16 or 17], without a shadow of a doubt. Far too many young people are leaving care aged 16 and 17 and they are not ready; they say they are not ready. They know they are not ready.¹⁴¹

70. Marie Tucker, an independent social care consultant, told us she was concerned that “some young people [...] feel forced to leave care”.¹⁴² Professor Mike Stein agreed, “They are forced [...] in that there is a context of pressure and expectation”.¹⁴³ BASW reported:

All the young people our member spoke with said that they felt they had to get out as soon as possible after their 16th birthday as they knew that young people are no longer wanted in children’s homes. This belief seemed to be firmly inculcated in the young people [...].¹⁴⁴

[This] prevailing culture is also apparently subscribed to by the residential childcare workers in this setting.¹⁴⁵

139 Department for Education, Children looked after in England, including adoption, December 2013

140 Department for Education, The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, March 2010, Para 5.25

141 Q1 (Natasha Finlayson)

142 Q3 (Marie Tucker)

143 Q3 (Professor Mike Stein)

144 British Association of Social Workers (16P 22) para 20

145 British Association of Social Workers (16P 22) para 21

71. The Minister told us, “It is difficult to know [whether the numbers of 16 and 17 year olds leaving care are still too high] without knowing the reason behind each case”.¹⁴⁶ He pointed us to recent DfE efforts to reduce further the number of 16 and 17 year olds leaving care, such as Staying Put and the new requirement that the Director of Children’s Services sign off the decision for any young person to leave care, a change which he said was made in order to “ratchet up the oversight, and the responsibility for decisions”.¹⁴⁷

72. While we welcome the reduction in the number of 16 and 17 year olds leaving care, we are concerned that there are still too many young people who leave care before they are ready to do so. We are particularly concerned that some 16 and 17 year olds feel pressured to leave care, because they believe themselves to be too old to stay in a children’s home or other placement. Even more troubling is that this view may be held by professionals working with young people. Leaving care at 16 or 17 should be an exception rather than expectation and local authorities must continue to have close oversight and scrutiny of such decisions.

Returning to care

73. Care leavers participating in our seminar said that at the age of 16 or 17 many young people feel ready to move to greater independence, though reflecting on their own experiences, they recognised that they may not have been ready for such a transition. For example, one young person told us, “For the large majority of 16 year olds, living alone is unrealistic. I felt ready at 16. I’ve been living by myself [...] but I don’t think it’s right”. The Children’s Society noted:

[...] young people feel that once the decision has been made [to move to semi-independent or independent settings] there is no way to return to other arrangements, if things do not go as well as expected.¹⁴⁸

Care leavers at our seminar agreed with this perspective and emphasised a desire for some kind of “safety net”, as argued for by Barnardo’s, who told us:

[...] care leavers should be given the option to return to care, or return to accommodation provided by the local authority, up to the age of 21, even if they have previously decided to leave care.¹⁴⁹

Natasha Finlayson supported the view that young people should have the option of returning to care:

[...] some [16 and 17 year olds] think they might be ready [to leave care] because they are not happy in their care placement and would rather be

146 Q161

147 Q212

148 The Children’s Society (16P 30) para 3.2

149 Barnardo’s (16P 16) para 4.4; see also The Fostering Network (16P 23) para 5 and Professor Mike Stein (16P 1) para 2.3

somewhere else. Often they then change their minds and want to come back. It is very important that we look at the right to return to care.¹⁵⁰

74. Though The Fostering Network was in favour of enabling young people to return to care, “[...] if for instance their circumstances change, or they find that they are not coping with independent living”,¹⁵¹ it recognised that this would present some challenges. For example, foster carers may have taken on another child or retired from fostering. Similarly, in residential care, there is no guarantee that it would be possible for a young person to return to their original care setting.¹⁵² Prospects argued that, although it is sometimes “helpful and necessary” to have the capacity to readmit young adults to residential children’s homes in the case of an emergency, it should not be “routinely encouraged”.¹⁵³

75. The DfE’s position was set out in its supplementary written evidence to our inquiry:

Local authorities can and should allow a 16 or 17 year old to return to care if they were not coping outside the care system and meet the legal criteria. For care leavers, our Transitions guidance expects local authorities to act as good corporate parents and provide on-going support to their care leavers. This means that local authorities should have a flexible approach in how they respond to the individual needs of each care leaver i.e. enabling young people to return to more supported accommodation if they are not coping with independent living.¹⁵⁴

Andrew Christie, of the ADCS, said that, given the statutory duties already in place, enabling more young people to re-enter the system was a matter of practice rather than legislation.¹⁵⁵ He admitted that, “I cannot tell you whether it happens in all 150 authorities regularly”,¹⁵⁶ although Sally Morris, of Catch22, considered that, “Good local authorities are doing that”.¹⁵⁷

76. Despite often believing themselves to be ready to leave care and wanting to move to independent living, young people need to know that they have a safety net on which they can rely if life takes a turn for the worse. We acknowledge that legislation provides an option for young people to return to leaving care services or the care system when required. Local authorities must retain their sense of corporate parenting responsibility as a young person leaves care and transitions to adulthood, working with them to ensure that they are supported during this potentially turbulent time.

150 Q1

151 The Fostering Network (16P 23) para 21

152 The Fostering Network (16P 23) para 25–27

153 Prospects (16P 18) para 3.4

154 Department for Education (16P 38) p 4

155 Q153

156 Q152 (Andrew Christie)

157 Q152 (Sally Morris)

77. We recommend that the DfE remind local authorities of their duty to accept young people back into their care if a young person’s decision to move to semi-independent living, leave care, or decline leaving care services proves to be premature. Local authorities should make young people aware of this option whenever they move to different levels of support and independence.

Maximising support, minimising disruption

78. Prior to the revision of Transition guidance (May 2014), witnesses to our inquiry took issue with the fact that the then guidance required local authorities to provide support and assistance to the age of 25 for all former relevant children who were in full-time education or training, but only to the age of 21 for those not in full-time education or training. The ADCS told us that this distinction “is in some ways illogical”.¹⁵⁸

79. When responding to concerns raised during our inquiry, the Minister announced his intention to change guidance in order to extend support to the age of 25 for care leavers “who want to get back into education, but are not currently in any education or training”.¹⁵⁹ We were concerned that the revised guidance would apply only to young people who “are looking to get into education and training”¹⁶⁰ or “have a clear ambition to get back into some form of education or training”,¹⁶¹ hence continuing to exclude those who may be most in need. The Minister reassured us:

In fact it is the contrary—it is trying to ensure that those who do need that extra support do get it. [...] those who are struggling, and so far have not had statutory guidance written in a way that benefits them, are the ones that I want to capture.¹⁶²

80. Revised guidance was published on 20 May 2014. Its wording makes clear that support is conditional on young people intending to return to education or training:

Local authorities should ensure that all their care leavers (including those who live out of authority) are aware of their entitlement to a PA up to age 25 if they wish to return to education and training. Local authorities should also provide information (a letter or leaflet) on how to get in touch in the future.

Many young people will be experiencing a number of practical and emotional difficulties in their lives as they navigate the complexities of adulthood, which mean that they would be unable to return to education or training immediately. Local authorities should explain that they will support them to overcome these difficulties so that they can return to education or training up to age 25 if this is their wish. They should in particular encourage

158 Association of Directors of Children’s Services (16P 31) p 1

159 Q164

160 Q212

161 Q216

162 Q217

all young people who are not in education, employment, or training (NEET) to take up this offer of support.

Local authorities should make it clear that this entitlement to resume the pathway planning process and a support relationship with a named personal adviser, starts from the time the young person informs the local authority of their intention to resume their education or training and ends with the completion of the course.^{163,164}

81. We acknowledge the change to guidance, intended to extend leaving care services to the age of 25 for young people who are not in education or training, but it is not enough. We are concerned that the extension is restricted to those who demonstrate an ambition to return to education or training, either immediately or in the future. Care leavers who are neither in education or training, nor have any intention of returning to such activities, may be some of the most vulnerable in society and therefore the most in need of support.

82. We recommend that the DfE extend leaving care services to the age of 25 for all care leavers, regardless of whether they wish to return to education or training.

Disruption to looked after young people mid-way through an academic year

83. During our informal discussions with young people and care leavers, several spoke of their frustration with placements being disrupted partway through an academic year, as a result of an age-determined change to their care and support. The Association of School and College Leaders (ASCL) drew attention to this issue:

[...] school leaders report that local authority support tends to be withdrawn 'early' from those approaching 16, both because there is a natural tendency to concentrate on younger children and because provision is usually changed at birthdays, rather than necessarily when it would make more sense in relation to the young person's circumstances and needs. There is a similar tendency at age 18 [...].¹⁶⁵

This disruption is of particular concern when it occurs as young people are approaching important public examinations. Witnesses from YMCA England, Catch22, the ADCS and the ICHA all agreed that changes in placement and support should apply at the end of the school year following a given birthday. The ASCL argued that such a change would:

163 Department for Education, The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, October 2010, para 3.53–3.55

164 Emphasis added

165 Association of School and College Leaders (16P 9) para 13

[...] reduce the instances of young people being disrupted just before they take important examinations such as GCSEs, A levels, BTECs and vocational qualifications.¹⁶⁶

84. Regulations are in place to govern decisions on placement changes during Key Stage 4, when young people are preparing for their GCSEs. The regulations minimise disruption and ensure that any change made is in the interest of the young person. This is strengthened by statutory guidance explicitly stating that local authorities have a duty to ensure, so far as is reasonably practicable, that young people do not have their education disrupted by placement changes,¹⁶⁷ recognising the particular importance of stability during Key Stage 4.¹⁶⁸

85. For young people who do not have a Staying Put arrangement, the age-determined requirement to leave care when they turn 18 can be equally, if not more, unsettling than a placement change and they risk having their education or training greatly disrupted. Young people also spoke to us about how even the thought that this might happen had an unsettling effect on them, with uncertainty around current and future placements negatively affecting their education, training and employment. This will be particularly problematic for those whose 18th birthday falls partway through the academic year. This was the case for one young person with whom we spoke. Despite important exams falling shortly after her 18th birthday, she was put under pressure to move and had to fight hard to prevent this. She told us that this was unnecessary stress during a time at which she needed to be as calm as possible so as to concentrate on her exams. The ASCL argued:

Given the policy of raising the participation age to 18 [...] it is imperative that these vulnerable young people be given the support they need to engage in education and training after age 16.¹⁶⁹

86. The Minister told us:

The guidance is clear that where a young person is halfway through an academic year and has exams coming up, they should not be leaving their placement during that period.¹⁷⁰

We note, however, that there is no regulatory framework to ensure minimal disruption to education or training beyond Key Stage 4, nor does the revised Transition guidance (May 2014) contain an explicit statement on postponing a young person's transition out of care to the same effect.

166 Association of School and College Leaders (16P 9) para 14

167 Department for Education, *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*, March 2010, para 3.15 – 3.17

168 Department for Education, *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*, March 2010, para 3.18 – 3.20

169 Association of School and College Leaders (16P 9) para 15

170 Q221

87. There is a risk that disruption before important exams could widen the already unacceptable gap in educational attainment between looked after children and all pupils. In addition, some children in care may be taking exams slightly later as they may have repeated a school year. Except in exceptional circumstances, it is unacceptable for a young person to be asked to change placement when they are partway through an academic year leading to public examinations. We are aware of regulations and guidance that minimise such disruption for young people in Key Stage 4.

88. It can also be highly unsettling for a young person to be made to leave care altogether when they turn 18. We are disappointed that there is no regulation, nor an explicit requirement in the revised guidance, to ensure stability in education or training as a young person approaches their 18th birthday. This is particularly anomalous given the raising of the participation age. Leaving care, or any other change, where it is neither the choice, nor in the best interest of the young person, must be postponed until after the end of the academic year in August.

89. *We recommend that the DfE remind all local authorities of their statutory duty to postpone any unnecessary and disruptive placement change during Key Stage 4. We recommend a similar duty be introduced to ensure that a young person's transition out of care is also postponed until after the end of an academic year following a given birthday, including those decisions that are age-determined, where such a change is not the expressed choice of the young person.*

Extending Staying Put

90. While more young people are staying in care until they are 18, the Children's Rights Director's Report, *After Care* (2012), still found that "46% of [care leavers] thought they had left care too early".¹⁷¹ This is underlined by Demos's recent finding that "The average age at which young people leave home in the general population is 24".¹⁷² Staying Put has been widely welcomed on the grounds that it enables looked after young people to stay in care longer, bringing greater stability. Barnardo's explained that:

Many young people experience disruptive placement changes whilst they are in care, so the principle of 'staying put' and the stability it brings in the transition to adulthood is an important development.¹⁷³

There is comparable consensus that the current policy is inequitable, as it does not apply to looked after young people living in residential children's homes or 'other arrangements'. Professor Mike Stein told us:

You have to have consistency because, at the moment, there is a danger where you have Staying Put in foster care to 21. I think the word

171 Ofsted, *After Care: Young people's views on leaving care*, Reported by the Children's Rights Director for England, 2012, p 35

172 Demos, *In Loco Parentis*, 2010, p 135

173 Barnardo's (16P 16) para 3.2

‘discriminatory’ has been used. [...] A real priority is to get the consistency within the legislation for different groups.¹⁷⁴

Witnesses, including Barnardo’s, believed that the inequity of this policy is particularly problematic given that looked after young people living in residential children’s homes are often the most vulnerable, hence the most in need of extended care and support.¹⁷⁵

Residential children’s homes

91. Evidence from the DfE set out the Government’s position with regards to extending the Staying Put policy to children’s homes. Its key points were:

Too many children’s homes are not of sufficient quality and our immediate priority is to significantly improve the quality of residential care [...].¹⁷⁶

The evidence for placing such a duty on supporting staying put arrangements for young people in foster care is robust [...] We do not have the evidence for children’s homes as they were not covered by pilots.¹⁷⁷

There are also a number of practical and legal issues we would need to consider and test out [...] You would have vulnerable adults living in homes with much younger vulnerable children. Also a children’s home accommodating three care leavers and one child would no longer technically be a children’s home.¹⁷⁸

When giving oral evidence, the Minister also acknowledged that “money has to be a factor to be taken into consideration”.¹⁷⁹ Nonetheless, the DfE recognised that these challenges “shouldn’t be viewed as insurmountable barriers”. It is working with the National Children’s Bureau and The Who Cares? Trust to look at some of the issues associated with extending Staying Put to residential children’s homes.¹⁸⁰ Natasha Finlayson, CEO of The Who Cares? Trust, confirmed that this work is progressing.¹⁸¹

92. Many witnesses questioned the requirement to improve the quality of children’s homes and the Government’s emphasis on practical and legal barriers. The Every Child Leaving Care Matters (ECLCM) campaign group contested the view that the quality of children’s homes needs to improve before an extension of the policy is possible. They cited Ofsted data, which “shows that most children’s homes are already functioning to a

174 Q76 (Professor Mike Stein); see also Care Leavers Association (16P 27) para 12, The Fostering Network (16P 23) para 3, British Association of Social Workers (16P 22) para 24, Barnardo’s (16P 16) para 3.4, Every Child Leaving Care Matters (16P 4), and St Christopher’s Fellowship (16P 3) p 1

175 Professor Mike Stein (16P 1) p 5; see also Barnardo’s (16P 16) para 3.6; St Basils and Homeless Link (16P 9) para 19; Association of School and College Leaders (16P 9) para 3

176 Department for Education (16P 29) para 33

177 Department for Education (16P 29) para 34

178 Department for Education (16P 29) para 35

179 Q227

180 Department for Education (16P 29) para 35

181 Q80

good or better standard”.¹⁸² In particular, the ECLCM group pointed to Ofsted’s findings from inspections of 400 children’s homes, completed by June 2013:

- Overall effectiveness: 65% were good or outstanding; 7% were inadequate.
- Outcomes for young people: 67% were good or outstanding; 3% were inadequate.
- Quality of care: 74% were good or outstanding; 6% were inadequate.
- Safeguarding children and young people: 69% were good or outstanding; 6% were inadequate.

Jonathan Stanley, CEO of the ICHA, agreed:

We do not need to have pilots; we can go forward with it now, on the basis that there are many children’s homes that are already “good”, and sustainably “good”, or better [...].¹⁸³

93. BASW also questioned the validity of viewing the quality of residential children’s homes as a barrier to extending the policy, given the accommodation in which some care leavers can find themselves living:

Michael Gove has reservations about extending the age a young person can remain in residential care due to variable standards but how much more risky to place our young people in unregulated accommodation where the minimum requirement is that they are visited every 6 weeks. The DfE itself found that 11% of care leavers in England live in ‘unsuitable accommodation’ upon leaving care [...].¹⁸⁴

94. The majority of those that supported an extension of the Staying Put policy acknowledged the challenges, particularly in children’s homes. Most did not see the obstacles as insurmountable; some questioned their significance altogether. For example, Marie Tucker, an independent social care consultant, and the ECLCM campaign group rebutted safeguarding concerns. Marie Tucker considered that, “The concern about children being placed with adults is unfounded”,¹⁸⁵ and ECLCM argued that they:

[...] struggle to see how a young person who is settled in a children’s home and enjoys positive relationships with staff and peers should suddenly become a safeguarding risk at 18 when they never were before.¹⁸⁶

Jonathan Stanley echoed this position:

182 Every Child Leaving Care Matters (16P 4) para 19

183 Q142

184 British Association of Social Workers (16P 22) para 13

185 Marie Tucker (16P 6) para 2.c

186 Every Child Leaving Care Matters (16P 4) para 26

I do not understand how, if you are 17 years old and 300-odd days, you are not a safeguarding problem and you are being safeguarded, and then, when you get your birthday, you become a safeguarding problem. The relationships, the risks assessments, are all in place for that young person [...] It is not going to be their home forever; they will be moving on sooner or later, but we know about the risks. Moving to another place, we do not necessarily know the risks.¹⁸⁷

95. Several submissions argued that, although extending the age at which all young people leave care might present an upfront cost, it was an area where local authorities could spend to save.¹⁸⁸ This is based on evidence that increased stability of placement can lead to better long-term life chances and improved outcomes. For example, St Christopher’s Fellowship claimed:

Continuing care and support until 21 will offer [young people] the best opportunity of success in further and higher education, leading to enhanced employment prospects and reducing the need for state support throughout their lives.¹⁸⁹

The Fostering Network referred to “evidence from studies in the USA [...] that there are significant financial savings if young people can remain longer in care”.¹⁹⁰

96. Not all witnesses agreed that extending Staying Put to the residential sector would be appropriate. St Basils and Homeless Link argued:

[...] extending residential care is not a helpful option for the majority of young people. Young people in residential care will be better integrated into communities if they live in more mixed provision with other young people who have not all had a care experience.¹⁹¹

While not opposed to the notion of extending Staying Put to residential children’s homes, The Fostering Network believed, “[...] just as Staying Put was piloted in foster care, it should be piloted in residential care”.¹⁹² The ECLCM campaign group understood this position, but was of the view that:

[...] young people currently in placement who are settled and who will benefit from remaining in placement to 21 should [not be made to] leave and move elsewhere simply pending further research.¹⁹³

187 Q143

188 Newham College (16P 8) para 6; see also the Association of School and College Leaders (16P 9) para 2, and Youth Justice Board (16P 11) p 1

189 St Christopher’s Fellowship (16P 3) p 1; see also Professor Mike Stein (16P 1) p 1, Every Child Leaving Care Matters (16P 4) para 29, Youth Justice Board (16P 11) p 1, Barnardo’s (16P 16) para 3.10, The Foyer Federation (16P 21) p 4, and The Howard League for Penal Reform (16P 25) para 1

190 The Fostering Network (16P 23) para 43

191 St Basils and Homeless Link (16P 19) para 5

192 The Fostering Network (16P 23) para 13

193 Every Child Leaving Care Matters (16P 4) para 25

97. We recognise that the extension of Staying Put to residential children's homes presents some practical and legal difficulties but these are not insurmountable. We welcome the DfE's work with the National Children's Bureau and The Who Cares? Trust to understand better the issues around extending Staying Put to the residential sector.

98. We are not convinced by the DfE's argument that the quality of children's homes must improve before young people are able to 'stay put'. Many young people are settled and thriving in residential children's homes. Forcing them to move at the age of 18 from a home judged 'good' or 'outstanding' by Ofsted to unregulated, sometimes unsuitable, settings is not only illogical in policy terms, but potentially harmful to the individual in question.

99. We recognise the resource constraints faced by local authority children's services departments. Nonetheless, the young people in question have already experienced troubled and disrupted childhoods and are far too important for their welfare not to be prioritised. Extending support for these vulnerable young people should be considered an investment, which will lead to better outcomes for the individuals in question and for society as a whole.

100. *Young people living in residential children's homes should have the right to remain there beyond the age of 18, just as young people in foster now have the right to Stay Put until the age of 21. We recommend that the DfE extend Staying Put to residential children's homes.*

Other arrangements

101. Extending Staying Put to 'other arrangements' appears to be less problematic, not least because current legislation already authorises continuing accommodation support for care leavers up to the age of 21 living in such accommodation. DfE data shows that 37% of 19 year old care leavers are in independent accommodation (year ending 31 March 2013) and that "the rest are spread over a range of accommodation",¹⁹⁴ which includes semi-independent and transitional accommodation, supported lodgings, community homes and foyers.¹⁹⁵ YMCA England argued that given the challenges posed by extending Staying Put to children's homes:

[...] a more suitable alternative [...] would be for young people to move to semi-independent living through supported accommodation providers within the local area.¹⁹⁶

102. The DfE told us:

194 Catch22 (16P 26) para 6.a

195 Department for Education, Children looked after in England, including adoption, December 2013

196 YMCA England (16P 20) para 3.6

We have strengthened the legal framework so that local authorities have a duty to provide all care leavers with practical support which includes helping them find and live in a safe and secure place until they are 21 [...].¹⁹⁷

The revised ‘Planning Transition for Adulthood for Care Leavers’ statutory guidance (2011) says care leavers up to 21–or 25 if still in education and training–must be supported to live in safe and suitable accommodation, e.g. supported housing and foyers.¹⁹⁸

103. While young people are entitled to receive support to stay in alternative accommodation to the age of 21, the Howard League for Penal Reform asserted that, “The problem is that local authorities consistently misinterpret or fail to apply the law”¹⁹⁹ and that the Staying Put policy as it stands:

[...] may inadvertently result in local authorities rowing back on current duties to care leavers who are not in foster care.²⁰⁰

The Howard League for Penal Reform argued that the policy must therefore:

[...] be accompanied by the clear message that this bolsters, and is in addition to, existing duties to provide accommodation that meets young people’s needs [...] until they are 21 so long as their welfare requires it.²⁰¹

104. Professor Mike Stein put forward “the provision of supported accommodation attached to children’s homes” as an option that might mitigate the immediate challenges of extending Staying Put to children’s homes.²⁰² This reflects the concept of ‘Staying Close’, which was suggested by representatives of children’s homes during our visit to Ipswich. The idea is that semi-independent accommodation could be attached to a children’s home, or located near enough for support and relationships to be maintained. The ADCS suggested a similar model based on maintaining connections with the home:

We would envisage that in most cases the most appropriate response for children in residential placements would be to begin early planning for a new placement as a care leaver but with a better focus on maintaining contact with either staff or other children from the child’s existing placement, or other relevant staff or peers who can provide some of the support and continuity. Something akin to staying put but without the focus on providing the exact same accommodation placement could be explored.²⁰³

197 Department for Education (16P 29) para 37

198 Department for Education (16P 29) para 38

199 The Howard League for Penal Reform (16P 25) para 32

200 The Howard League for Penal Reform (16P 25) para 4

201 The Howard League for Penal Reform (16P 25) para 28

202 Professor Mike Stein (16P 1) p 5

203 Association of Directors of Children’s Services (16P 31) p 1

Catch22 referred to models that provide “both continuity of support and relationships and increasing independence”. It argued:

There is a need for expansion of these models of residential care that harness the expertise and experience of residential care providers to provide appropriate support and care of older young people [...] there have been many examples of homes with ‘training flats’ to allow young people more experience of independent living.²⁰⁴

The Minister gave an example of a model in North Yorkshire, called No Wrong Door, which reflects the concept of Staying Close. In this model a children’s home serves as a ‘hub’ for young people who have moved on to semi-independent or independent living, where:

They still have outreach support, whether it is health—including mental health—education, mentoring or the continuity of [...] relationship[s] [...] so that they get that continued corporate parenting oversight as they go through the transition into adulthood. I think that is a really smart and creative way of addressing the problem [...].²⁰⁵

Young people told us of their desire to have such continuity of support alongside their move to greater independence. For example, through staff from former placements visiting them in their new accommodation, helping them decorate, or picking them up and taking them back for Sunday lunch.

105. Legislation currently entitles care leavers to continuing accommodation support up to the age of 21. However, we believe that the provisions are unclear, insufficient and all too often overlooked, resulting in too many young people having much needed support terminated at the age of 18.

106. *We recommend that the DfE issue explicit guidance on young people’s right to stay in ‘other arrangements’ until they are 21.*

107. Staying Close, properly implemented, can be a valuable and, for some young people, preferable alternative to Staying Put. When young people move on from a residential children’s home to semi-independent or independent living, greater opportunity should be provided for them to stay close, in terms of physical proximity, continued provision of professional support and consistent personal connections with supportive friends and staff in the home.

108. *We recommend that the DfE examine models such as ‘No Wrong Door’ in North Yorkshire. If they are shown to lead to improved outcomes for young people, the DfE should issue best practice guidance on a model of Staying Close.*

204 Catch22 (16P 26) para 5.5 – 5.d

205 Q180

7 Conclusion

109. Looked after young people face many disadvantages throughout their childhoods, yet too much is expected from them too soon in their transition to adulthood and independence. The troubling and disruptive events that lead to a child or young person becoming looked after have significant and long-lasting effects, not least on their vulnerability as a care leaver, and can leave them less well-prepared to cope with independence. This relative disadvantage is exacerbated by the inconsistent levels of support available to care leavers as they move into adulthood and embark upon more independent living.

110. Our concerns before this inquiry have, if anything, increased throughout it. The suitability and safety of 'other arrangements' must be improved. Differentiating their governance from that for other placements in which looked after young people are housed is an anomaly that demonstrates an insufficient understanding of the vulnerability of the young people concerned. The current Staying Put policy discriminates against looked after young people not living in foster care. The DfE's arguments against extending Staying Put to all looked after young people failed to convince us.

111. The Minister told us, "I remain determined to continue to push the boundaries wherever they need to go [...] to make sure that children themselves get what they deserve".²⁰⁶ Our report outlines where those boundaries need to be pushed in the final years of care: much more can, and should, be done to prepare and plan better for a gradual transition to independence, to develop and sustain the relationships that matter the most, to ensure the safety and suitability of the homes in which young people live, and to be responsive to an individual's need, rather than reactive to their age.

Conclusions and recommendations

Planning and preparation

1. Despite strengthened guidance from the DfE and more rigorous scrutiny of young people's readiness to leave care by local authorities, evidence to us suggests that the quality and effectiveness of planning and preparation for a young person's transition to greater independence is too often inadequate. We therefore welcome Ofsted's single inspection framework and believe that it has the potential to bring about improvements, by including an assessment of early planning and preparation. It is essential that the testimony of young people and other sources are used to complement evidence from tracked and sampled cases of looked after young people and care leavers, to ensure that Ofsted has a comprehensive picture of the quality of pathway planning and preparation for all young people. (Paragraph 17)

Having a voice and a choice

2. The improved availability of independent advocacy services is central to ensuring that young people have a voice in the process of pathway planning and a real choice in where they live. We welcome the DfE's work with the National Youth Advocacy Service and Voice to ensure better advocacy services. Greater availability of independent advocacy must be accompanied by efforts to increase awareness among young people of their right to access such services and to improve their knowledge of how and where to do so. There are also issues around young people's general lack of awareness of all their rights and entitlements. (Paragraph 23)
3. *The DfE must ensure that looked after young people approaching independence are fully and effectively informed of their rights and entitlements and given a genuine choice of accommodation; and the DfE must do more to ensure and monitor the take-up of best practice amongst local authorities.* (Paragraph 24)

The appointment of Personal Advisers

4. The automatic appointment of a Personal Adviser as a separate and new role can in some cases be a source of disruption for young people and an inefficient use of stretched resources. (Paragraph 30)
5. *We recommend that the DfE clarify and strengthen guidance to the effect that local authorities must consider, as a first option, appointing an existing carer or other professional with whom a young person has an established relationship as a Personal Adviser, and involve the young person in this decision. Wherever possible, the same Personal Adviser should offer consistent support throughout a young person's preparation for and transition to independence.* (Paragraph 31)

Maintaining positive relationships

6. We acknowledge that existing regulations on pathway planning require the identification of, and support for, young people to develop and sustain "appropriate family and social relationships". In meeting this duty local authorities must look beyond relationships with carers and professionals and recognise that looked after

young people may have established positive relationships with a range of people, including siblings and friends. We believe that in order to fulfil their purpose of promoting, developing and sustaining such important relationships, the pathway planning regulations should specifically refer to siblings. (Paragraph 37)

7. *The pathway planning guidance must be altered so as specifically to include relationships with siblings. We recommend that the DfE review how well pathway planning guidance fulfils its purpose to encourage, develop and sustain positive and stable family and social relationships.* (Paragraph 38)

'Other arrangements': Suitability, regulation and inspection

8. 'Other arrangements' for looked after 16 and 17 year olds are too often neither safe nor suitable, a situation exacerbated by the lack of a regulatory regime for this kind of accommodation. The diversity of the provision presents difficulties for the implementation of stronger, universal regulation, but the challenges are not so great as to justify the continuation of inadequate and ineffective quality assurances for 'other arrangements'. (Paragraph 51)
9. While we welcome the emphasis that the single inspection framework places on the experience of individual children, we are concerned that a methodology based on tracking a sample of cases will fail to ensure the suitability of all 'other arrangements'. This would not be an acceptable approach for other settings, such as schools or residential children's homes, and it should not be acceptable for the accommodation in which some of society's most vulnerable young people are housed. (Paragraph 52)
10. Quality standards will not suffice as a guarantee of safe and suitable accommodation. By focusing on and overcoming the obstacles to more comprehensive regulation, the Minister could demonstrate his commitment and determination to "do whatever it takes [...] to make sure that children themselves get what they deserve". (Paragraph 53)
11. There are measures to ensure the quality and safety of settings for children and young people right across provisions: childminders, foster carers, residential children's homes, secure training centres, schools, sixth form colleges and further education colleges are all inspected. Yet accommodation that falls within the category of 'other arrangements' is not subject to individual regulatory oversight. What makes this distinction all the more illogical is that the 22% of looked after 16 and 17 year olds who live in such accommodation are among the most vulnerable young people in society. It is unacceptable for these young people, still legally defined as 'children' and in the care of their local authority, to be housed in unregulated settings. (Paragraph 54)
12. *We recommend that the DfE consult on a framework of individual regulatory oversight for all accommodation provision that falls within the category 'other arrangements' to ensure suitability while allowing for continuing diversity of provision.* (Paragraph 55)

Banning the use of B&Bs

13. Statutory guidance is clear that B&Bs are unsuitable for young people in care and should only be used in very particular, emergency situations. Nonetheless, we are deeply troubled by the continued use of B&Bs. Far from being merely unsuitable, B&Bs can present an environment which feels unsafe and threatening to a young person. (Paragraph 65)
14. We recognise that a hastily introduced ban on B&Bs could lead to the unacceptable situation in which no placement can be offered to a young person who requires emergency accommodation. Nonetheless, an outright ban on B&Bs should be the long-term objective, to be achieved through stronger enforcement of the sufficiency duty, which explicitly requires the provision of surplus placements to meet emergency need. The creation of commissioning consortia should continue to be encouraged to assist with local authorities fulfilling this duty. (Paragraph 66)
15. *We recommend that the DfE consult urgently with local authorities on a reasonable timeframe in which to introduce a total ban on the use of B&Bs, alongside a strengthened requirement for local authorities to commission sufficient alternative emergency facilities. We also recommend that the DfE look further into models of emergency provision, such as that in Wiltshire, and consider contingency carers, as one way to mitigate the possible negative consequences of banning B&Bs. In the meantime, while setting up and running the consultation, the DfE should reiterate the message that B&Bs must only be used in extreme, emergency circumstances and for a very limited period of time, no more than a few days.* (Paragraph 67)
16. *The DfE should require local authorities to report on their use of B&B accommodation for looked after young people, to include the length of stay, the age of the young person and the reason for being placed there.* (Paragraph 68)

Leaving care at the age of 16 or 17

17. While we welcome the reduction in the number of 16 and 17 year olds leaving care, we are concerned that there are still too many young people who leave care before they are ready to do so. We are particularly concerned that some 16 and 17 year olds feel pressured to leave care, because they believe themselves to be too old to stay in a children's home or other placement. Even more troubling is that this view may be held by professionals working with young people. Leaving care at 16 or 17 should be an exception rather than expectation and local authorities must continue to have close oversight and scrutiny of such decisions. (Paragraph 72)

Returning to care

18. Despite often believing themselves to be ready to leave care and wanting to move to independent living, young people need to know that they have a safety net on which they can rely if life takes a turn for the worse. We acknowledge that legislation provides an option for young people to return to leaving care services or the care system when required. Local authorities must retain their sense of corporate parenting responsibility as a young person leaves care and transitions to adulthood,

working with them to ensure that they are supported during this potentially turbulent time. (Paragraph 76)

19. *We recommend that the DfE remind local authorities of their duty to accept young people back into their care if a young person's decision to move to semi-independent living, leave care, or decline leaving care services proves to be premature. Local authorities should make young people aware of this option whenever they move to different levels of support and independence.* (Paragraph 77)

Maximising support, minimising disruption

20. We acknowledge the change to guidance, intended to extend leaving care services to the age of 25 for young people who are not in education or training, but it is not enough. We are concerned that the extension is restricted to those who demonstrate an ambition to return to education or training, either immediately or in the future. Care leavers who are neither in education or training, nor have any intention of returning to such activities, may be some of the most vulnerable in society and therefore the most in need of support. (Paragraph 81)
21. *We recommend that the DfE extend leaving care services to the age of 25 for all care leavers, regardless of whether they wish to return to education or training.* (Paragraph 82)

Disruption to looked after young people mid-way through an academic year

22. There is a risk that disruption before important exams could widen the already unacceptable gap in educational attainment between looked after children and all pupils. In addition, some children in care may be taking exams slightly later as they may have repeated a school year. Except in exceptional circumstances, it is unacceptable for a young person to be asked to change placement when they are partway through an academic year leading to public examinations. We are aware of regulations and guidance that minimise such disruption for young people in Key Stage 4. (Paragraph 87)
23. It can also be highly unsettling for a young person to be made to leave care altogether when they turn 18. We are disappointed that there is no regulation, nor an explicit requirement in the revised guidance, to ensure stability in education or training as a young person approaches their 18th birthday. This is particularly anomalous given the raising of the participation age. Leaving care, or any other change, where it is neither the choice, nor in the best interest of the young person, must be postponed until after the end of the academic year in August. (Paragraph 88)
24. *We recommend that the DfE remind all local authorities of their statutory duty to postpone any unnecessary and disruptive placement change during Key Stage 4. We recommend a similar duty be introduced to ensure that a young person's transition out of care is also postponed until after the end of an academic year following a given birthday, including those decisions that are age-determined, where such a change is not the expressed choice of the young person.* (Paragraph 89)

Residential children's homes

25. We recognise that the extension of Staying Put to residential children's homes presents some practical and legal difficulties but these are not insurmountable. We welcome the DfE's work with the National Children's Bureau and The Who Cares? Trust to understand better the issues around extending Staying Put to the residential sector. (Paragraph 97)
26. We are not convinced by the DfE's argument that the quality of children's homes must improve before young people are able to 'stay put'. Many young people are settled and thriving in residential children's homes. Forcing them to move at the age of 18 from a home judged 'good' or 'outstanding' by Ofsted to unregulated, sometimes unsuitable, settings is not only illogical in policy terms, but potentially harmful to the individual in question. (Paragraph 98)
27. We recognise the resource constraints faced by local authority children's services departments. Nonetheless, the young people in question have already experienced troubled and disrupted childhoods and are far too important for their welfare not to be prioritised. Extending support for these vulnerable young people should be considered an investment, which will lead to better outcomes for the individuals in question and for society as a whole. (Paragraph 99)
28. *Young people living in residential children's homes should have the right to remain there beyond the age of 18, just as young people in foster now have the right to Stay Put until the age of 21. We recommend that the DfE extend Staying Put to residential children's homes.* (Paragraph 100)

Other arrangements

29. Legislation currently entitles care leavers to continuing accommodation support up to the age of 21. However, we believe that the provisions are unclear, insufficient and all too often overlooked, resulting in too many young people having much needed support terminated at the age of 18. (Paragraph 105)
30. *We recommend that the DfE issue explicit guidance on young people's right to stay in 'other arrangements' until they are 21.* (Paragraph 106)
31. Staying Close, properly implemented, can be a valuable and, for some young people, preferable alternative to Staying Put. When young people move on from a residential children's home to semi-independent or independent living, greater opportunity should be provided for them to stay close, in terms of physical proximity, continued provision of professional support and consistent personal connections with supportive friends and staff in the home. (Paragraph 107)
32. *We recommend that the DfE examine models such as 'No Wrong Door' in North Yorkshire. If they are shown to lead to improved outcomes for young people, the DfE should issue best practice guidance on a model of Staying Close.* (Paragraph 108)

Annex: Programme for the Committee's visit to Ipswich, 8 April 2014

Members attending the visit: Mr Graham Stuart MP (Chair), Alex Cunningham MP, Bill Esterson MP, Ian Mearns MP, Caroline Nokes MP, Mr David Ward MP and Craig Whittaker MP.

Suffolk County Council

Introductory meeting and overview of the day with: Sue Cook, Director of Children and Young People's Services; Lisa Chambers, Cabinet Member for Education, Skills and Young People; John Gregg, Service Director; and Cliff James, Head of Corporate Parenting.

Visits to 'other arrangements'

Group 1: Visit to YMCA, to see:

- Hostel provision with housing related support.
- Two houses with higher-level support.
- Supported lodgings scheme.

Group 2: Visit to Prospect Street, a house provided by Anglia Care Trust that accommodates four young people.

Suffolk Children in Care Council

Working lunch, meeting the Suffolk Children in Care Council.

Roundtable discussion

Discussion with local authority officers from the region and service providers.

Formal Minutes

Wednesday 9 July 2014

Members present:

Mr Graham Stuart, in the Chair

Neil Carmichael
Alex Cunningham
Bill Esterson
Pat Glass

Siobhain McDonagh
Ian Mearns
Mr Dominic Raab
David Ward

Draft Report (*Into independence, not out of care: 16 plus care options*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 111 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 July at 9.15 am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/education-committee.

Wednesday 30 April 2014

Question number

Ben Ashcroft, author of 51 Moves, **Natasha Finlayson**, Chief Executive, The Who Cares? Trust, **Professor Mike Stein**, Social Policy Research Unit, York University, and **Marie Tucker**, Independent Consultant specialising in commissioning for children in care;

Q1-90

Denise Hatton, National Secretary and Chief Executive, YMCA England, **Jonathan Stanley**, Chief Executive Officer, the Independent Children's Homes Association, **Andrew Christie**, Tri Borough Executive Director of Children's Services, Association of Directors of Children's Services, and **Sally Morris**, Director of Young People and Families, Catch22.

Q91-154

Wednesday 14 May 2014

Edward Timpson MP, Parliamentary Under Secretary of State for Children and Families, Department for Education.

Q155-233

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at www.parliament.uk/education-committee. INQ numbers are generated by the evidence-processing system and so may not be complete.

- 1 Professor Mike Stein (16P 001)
- 2 St Christopher's Fellowship (16P 003)
- 3 Every Child Leaving Care Matters (16P 004)
- 4 Maria Tucker (16P 006), (16P 032)
- 5 Centrepont (16P 007)
- 6 Newham College (16P 008)
- 7 Association of School and College Leaders (16P 009)
- 8 NASS (16P 010)
- 9 Youth Justice Board (16P 011)
- 10 The Who Cares? Trust (16P 012)
- 11 Just For Kids Law (16P 013), (16P 015)
- 12 Barnardo's (16P 016)
- 13 Prospects Services (16P 018)
- 14 Homeless Link (16P 019)
- 15 YMCA England (16P 020)
- 16 The Foyer Federation (16P 021)
- 17 BASW (16P 022)
- 18 The Fostering Network (16P 023)
- 19 Coram Voice (16P 024)
- 20 The Howard League for Penal Reform (16P 025)
- 21 Catch22 (16P 026), (16P 033)
- 22 The Care Leavers Association (16P 027)
- 23 Nationwide Association of Fostering Providers (16P 028)
- 24 Department for Education (16P 029), (16P 038)
- 25 The Children's Society (16P 030)
- 26 Association of Directors of Children's Services (ADCS) Ltd (16P 031)
- 27 Ofsted (16P 034), (16P 035), (16P 037)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/education-committee. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010-12

First Special Report	Young people not in education, employment or training: Government Response to the Children, Schools and Families Committee's Eighth Report of Session 2009-10	HC 416
Second Special Report	The Early Years Single Funding Formula: Government Response to the Seventh Report from the Children, Schools and Families Committee, Session 2009-10	HC 524
Third Special Report	Transforming Education Outside the Classroom: Responses from the Government and Ofsted to the Sixth Report of the Children, Schools and Families Committee, Session 2009-10	HC 525
Fourth Special Report	Sure Start Children's Centres: Government Response to the Fifth Report from the Children, Schools and Families Committee, Session 2009-10	HC 768
First Report	Behaviour and Discipline in Schools	HC 516-I and -II (HC 1316)
Second Report	The role and performance of Ofsted	HC 570-I and II (HC 1317)
Fifth Special Report	Looked-after Children: Further Government Response to the Third Report from the Children, Schools and Families Committee, Session 2008-09	HC 924
Third Report	Services for young people	HC 744-I and-II (HC 1501)
Fourth Report	Participation by 16-19 year olds in education and training	HC 850-I and-II (HC 1572)
Fifth Report	The English Baccalaureate	HC 851 (HC 1577)
Sixth Report	Services for young people: Government Response to the Committee's Third Report of Session 2010-12	HC 1501 (HC 1736)
Seventh Report	Appointment of HM Chief Inspector, Ofsted	HC 1607-I
Eighth Report	Chief Regulator of Qualifications and Examinations	HC 1764-I and -II
Ninth Report	Great teachers: attracting, training and retaining the best	HC 1515-I (HC 524, Session 2012-13)

Session 2012-13

First Report	The administration of examinations for 15–19 year olds in England	HC 141-I (HC 679)
Second Report	Appointment of Chair, Social Mobility and Child Poverty Commission	HC 461-I
Third Report	Governance and leadership of the Department for Education	HC 700 (HC 919)
Fourth Report	Children first: the child protection system in England	HC 137-I (HC 993)
Fifth Report	Support for Home Education	HC 559-I (HC 1013)
Sixth Report	Pre-legislative scrutiny: Special Educational Needs	HC 631-I
Seventh Report	Careers guidance for young people: The impact of the new duty on schools	HC 632-I (HC 1078)
Eighth Report	From GCSEs to EBCs: the Government's proposals for reform	HC 808-I (HC 1116)

Session 2013–14

First Report	2012 GCSE English results	HC 204 (HC 662)
Second Report	The Role of School Governing Bodies	HC 365 (HC 661)
Third Report	School sport following London 2012: No more political football	HC 364 (HC 723)
Fourth Report	School Partnerships and Cooperation	HC 269 (HC 999)
Fifth Report	Foundation Years: Sure Start Children's Centres	HC 364 (HC 1141)
Sixth Report	Residential Children's Homes	HC 716

Session 2014-15

First Special Report	Residential Children's Homes: Government's response to Committee's Sixth Report of Session 2013-14	HC 305
First Report	Underachievement in Education by White Working Class Children	HC 142