

President's address to ADCS annual conference 2019

1.45 – 2.15pm Thursday 4 July

Welcome

Welcome to the ADCS annual conference 2019. I am delighted to welcome the Children & Families Minister, Nadhim Zahawi to the conference. I'd also like to welcome our friends from DfE and our press colleagues. I am grateful to Children and Young People Now, for sponsoring the ever popular ADCS *Little Blue Book*, which you will have received as you registered for the conference.

Our work with the DfE remains really important in its breadth and depth. Of course there are several central government departments which hold responsibility for aspects of children services policy (nine at the last count) which may go some way to explaining our occasional frustration and repeated pleas for a joined-up approach at a national level. In this we are not alone. The Public Accounts Committee's report on children's social care published in March 2019 made the same point – "The Department [for Education] must drive cross-departmental work that will enable the Government to meet properly the needs of vulnerable children." Minister, ADCS members are happy to contribute and help your department to achieve that.

In my inaugural Presidential speech in April, I said that 2019 is a year of interesting anniversaries – perhaps most significantly for us, **this year marks the 30th anniversary of two important breakthroughs in children's rights legislation: The United Nations Convention on the Rights of the Child and the Children Act 1989**. Central to both these documents was the idea that children's wishes and feelings must be taken into account when making decisions that affect them. Local authorities have taken these child-centric principles into the heart of all they do. There's been precious little evidence of that from our national politicians over the last three years in their quest to achieve Brexit. I'm sure I'm not the only one in the room who sincerely hopes that we can move on soon to address serious domestic social policy issues.

This year we are also marking 15 years since Royal Assent for The Children Act 2004, that seminal piece of legislation that created the 'every child matters' framework and established the statutory role of the director of children's services – a single line of professional accountability for children's outcomes. It is therefore a matter of regret that the recently published DfE review of Children in Need made but two meagre mentions of the system leadership role of the DCS – a missed opportunity, if I may say so Minister.

I want to take the opportunity in my speech today to reflect on some of the successes of the 89 Act and think about some of the challenges that children, young adults, families and local government face today that were never envisioned by the drafters of that legislation.

The Children Act 1989

The Children Act 1989 introduced comprehensive changes to legislation in England and Wales affecting the welfare of children.

One of the most significant of the Act's successes in my view is that **it changed the standing of children and young people in law** establishing the principle **that the welfare of children is of paramount importance, it establishes** the concept of children being **looked after** by local authorities **and** introduced new concepts relating to the

responsibilities of adults (as opposed to a focus on parental RIGHTS). It changed the structure and functioning of the courts, provided an entirely new range of orders in both private and public law relating to the care of children and gave a clear steer towards the No Order and 'family is best' principles.

The 89 Act charged local authorities with duties **to identify children in need and to safeguard and promote their welfare and** to provide a range and level of services for children in need and their families, (the famous Section 17). It brought together under one statute services for children in need and disabled children. All to the good; children are as a result physically safer than ever before, but I would contend more emotionally vulnerable.

One of the main themes of the Children Act 1989 is the encouragement of greater cooperation between those responsible for children and statutory or voluntary agencies. Section 27 enables local authorities to request the help of any other authority or person, **including health authorities**. Now, I've never really been one for bashing folks around the head with vellum tomes but I wonder if Section 27 might in extremis, be a means of exerting leverage on our health colleagues to fulfil their statutory duty to fund jointly with the LA, the provisions of services for children in need and children with disabilities.

What the 89 Act could never have envisioned was the use of Section 20 voluntary accommodation arrangements for unaccompanied migrant and asylum-seeking children, not in the numbers we are seeing today. Nor do I imagine that the drafters of the Act ever thought that special guardianship orders would be devised and used with increasing proliferation to secure the care of children by their wider family members.

In the mid-1970s there were just shy of 100,000 looked after children in England. Over the intervening decades we've got much better at helping children to achieve permanence and so there are fewer children in care today, but they are more vulnerable and more likely to have suffered adverse childhood experiences, the impacts of which can be felt over a lifetime. The 'trigger trio' of domestic abuse, parental substance misuse and poor parental mental health are prevalent risk factors in children's lives – today more than 50% of children in need assessments and subsequent referrals feature one or more of the 'trigger trio' factors. It is clear that much of the 'revolving door' repeat activity in children's social care is being driven by the unmet needs of parents. The extent to which those unmet parental needs would become the prevalent risk factors in a child's life could not have been envisioned in the 1980s.

30 years ago when this piece of legislation was receiving Royal Assent, Tim Berners-Lee was inventing the world wide web. The digital age has brought with it enormous benefits but also new threats of online harms and the deeply complex technical challenges of protecting children and young people from those harms.

Organised criminal and sexual exploitation, domestic servitude and labour enslavement of children are tragically not new phenomena. But the digital tools used by criminals to exploit and abuse children are new. These complex, transitional and contextual safeguarding risks, including the risk of radicalisation all form part of the new landscape that children and families are facing today in our digital age. Vulnerability to those risks is increased by poverty, a lack of affordable housing, insecure work, increasingly exclusive schools, and a narrow and disaffecting curriculum.

Another modern-day challenge unforeseen by the 89 Act and one that impacts on expectations of social work is this: when children are identified as being exploited,

professionals need to 'stay with' the child. These children have been groomed and threatened and might not recognise that they are being exploited. Professionals must not give up on children or their families even when children don't want our help and support and don't recognise themselves as victims of abuse. Both are in danger and need their help, support and protection. But how can a social worker, how can health workers, how can teachers realistically do this over the period of time it takes to see beyond the presenting problem. Time is something that in our increasingly pressurised system our frontline staff are woefully short of.

The expectations of social work envisioned in the Act need a modernised focus to deal with the contemporary risks and challenges facing children, young people and their families. As the DfE's own recently published CiN review shows, the cohort of children in need is massive – 1 in 10 school-aged children has or has had a social worker. It's simply unrealistic to continue to think about social work in the way it was conceived of in the 89 Act.

I think all of this stacks up to a compelling case to act now to deliver our ambition of a country that works for all children. Our argument today, 30 years on from the 89 Act is that LAs have never been adequately resourced to identify, safeguard, protect and provide other services for children in need and their families. Minister, I want to invite you and your department together with ADCS members to **reclaim and resource the core principles of prevention in the 89 Act**. That must for economic and pragmatic reasons involve re-visiting the expectations of social work as envisioned by the Act particularly in relation to Section 17. And the consequences if we don't is that the most vulnerable in society will continue to bear the brunt of the impact of the cuts to local government funding and there will be even fewer social workers available to help.

It seems to us that it's time for a shift in focus Minister, so that together we can reclaim the core principles in Section 17. As we said in the ADCS position paper on the wider children's workforce, published earlier this year, what we need is a wider lens – a wider range of people working with children in need and their families. Getting alongside them, staying alongside them, building and maintaining relationships that will endure, rather than an ongoing focus on assessing and accrediting social workers – a qualified, registered profession.

Serious youth violence and knife crime

Some of you may remember that in my inaugural Presidential address I referred to Barry Hines' novel *A Kestrel for a Knave* which celebrates a 50th anniversary this year. I'm not going to regale you with Billy Casper's story again, but I am going to draw your attention to another novel. A novel whose prophetic mixture of disaffection, drugs, music, fashion and juvenile violence is concerned with the conflict between the individual and the state, the punishment of young criminals, and the possibility or otherwise of redemption. One of the most innovative aspects of the novel is the language employed by the protagonists - 'Nadsat', Russian for 'teen', is the invented slang in which Alex narrates the novel. Have you guessed? Anthony Burgess's *A Clockwork Orange* published in 1962. As we can see, serious youth violence and knife crime are not new phenomena.

Today, ADCS has published a short paper on serious youth violence and knife crime, not, I hasten to add written in 'Nadsat'. In the opening paragraphs of the statement we re-state ADCS members' belief in young people. Of course all of us in this room and beyond think it is a crying shame that school-aged pupils feel they need to carry knives for their own

protection. We all also know that if you carry a knife you're much more likely to end up being a victim of knife crime yourself.

Increased political and press attention on 'county lines' and knife crime in particular has resulted in national summits being held, new research being commissioned, new units and programmes developed, campaigns rolled out and different pots of funding launched by different government departments in recent weeks and months. Much of this activity is duplicative and it's not easy to see how all of these initiatives and programmes fit together. The absence of an holistic strategy that articulates shared objectives, with an agreed common action plan is keenly felt. We know there are various risk factors that can increase the likelihood of young people being drawn into criminality or being exploited including being out of school, poor employment opportunities, a lack of positive activities in the local area as well as inequality, deprivation, trauma and poor mental health. Yes, we need to understand and address individual risk factors but without turning our attention to the wider societal determinants, it's unlikely that meaningful progress will be made.

Incentivise and reward inclusivity in our mainstream schools

I strongly believe that the government's education reforms have completely lost sight of inclusion. Education is a right for all, not a privilege for some. It's also an important protective factor in childhood and beyond.

I don't want to labour this anniversary point too far but it's 31 years since Royal Assent of 1988 Education Reform Act. Why does that matter? Because it was that Act which introduced the Local Management of Schools. So, it's a very long time since local authorities actually ran schools. The drafters of that Act could not however have envisioned the almost complete side-lining of the role of the LA in education, in supporting schools to run themselves effectively and efficiently for the benefit of the local communities they serve.

The new school inspection framework should shine a bright light on the use of formal and informal exclusions and will hopefully incentivise or better still reward inclusivity and turn the tide on rising exclusions. I may be about to make myself very unpopular here, but I wonder if it might be time to review head teachers' powers to exclude pupils.

Inclusivity as opposed to exclusion; inclusivity as opposed to specialist provision; and, inclusivity in the curriculum – not a curriculum that is narrow and unfit for the purpose in preparing our young people for life and work in the 21st century. By the way, it is 200 years since birth of John Ruskin. Ruskin believed that art serves a social purpose. He would be horrified about the arts being squeezed and de-prioritised.

SEND pressures and outcomes

Yesterday when DCSs were in closed session with each other we did some polling. Don't worry Minister, we're not thinking of setting up in competition with YouGov, but we did want to test our hypothesis that contrary to the prevailing narrative that DCSs spend all their time on safeguarding, DCSs are in fact spending more and more time on SEND matters. So, a poll of 125 DCSs conducted yesterday afternoon revealed that DCSs are spending an increasing amount of their time on SEND. Indeed, 10% of DCSs in the poll yesterday said they spent more than 50% of their time on SEND. This proportion has increased significantly in the last year or two as SEND and high needs funding pressures have mounted to almost epic scales.

We welcomed the injection of funding of £250million just before last Christmas to salve some of the high needs block overspend pressures. I know Minister that you understand the sheer scale of the SEND challenges and that an additional £250million is nowhere near enough – but it's not just about funding. It's also about addressing the mis-aligned incentives across partners, it's about doing something to balance parental preference and the dire state of resources in Tribunal decision-making. LAs have all of the responsibilities for maintaining high needs expenditure within budget but no levers with which to affect this. I urge you Minister, in the strongest of terms, to consider a re-booting of LA powers to enable us the best strategic commissioner for SEND that we possibly can be.

And that brings me to money my friends. **It seems increasingly likely that the Spending Review won't be any kind of review, rather a roll-over delivering a further one-year settlement only. So it seems unlikely that we will get a settlement that plugs the £3.1 billion pound gap that will exist in children's services by 2021.** But, if we do get more money **this is what we'd spend it on:**

Detached youth work which would takes us way beyond the 'enrichment' activities of the National Citizenship Service. Never has so much money been spent on subsidised teen-care for so few.

Early help and prevention but early help is not a quick fix. It takes 18-36 months to see any positive signs of sustainable change for children and families. Short term cashable savings from early help are not realistic. It's extremely difficult to make meaningful interventions in the lives of children and their families when mum and dad are worrying about where the next square meal is coming from and whether the rent is going to get paid this month. How can parents struggling with those immediate and fundamental material pressures focus on 'chat, play and read' in the home learning environment.

And then what happens when your child goes to primary school? You find that the school may well have slashed pastoral support, including reading support workers, because of budget cuts. As we heard recently, the headteacher of a primary school in East London has applied to the BBC Children in Need charity for funding to cover pastoral support services for the next three year. He's not the first. A *Guardian* newspaper investigation last month revealed more than 1,000 schools across England had turned to crowd funding websites to help plug the holes in their budgets. Minister, I fear that your government's desire to improve social mobility by focussing on early years and the home learning environment will come to nought unless and until school funding is significantly uplifted.

Much has been said about improving the identification of early signs of mental ill health in school-aged children. Indeed, the investment in mental health support teams working with clusters of schools is welcome. I'm afraid however that we do not agree with the position taken to bar schools with an Ofsted judgement of 'inadequate' from participating in the trailblazers this year. This is perverse as a blanket position. It rules out a significant group of children and young people based on an Ofsted judgement, that could be several years old. The government must not fail children in this way. Better mental health support can be a key contributor to achieving the required improvement in teaching and the quality of the learning environment and so actually help schools improve their Ofsted grading. We sincerely hope that the position will change in future rounds.

As others have said recently, there's very little point in vastly improving the early identification of low-level mental health needs when there are no services available to meet

those needs. The NHS Long Term Plan simply must reflect the key importance not only of commissioning adequate mental health services for children, but also for speeding up access to diagnostic, therapy and treatment pathways in children's wider health services.

We must find a way of holding the health services to account for the fulfilment of its statutory responsibilities towards children. It's not just more and faster access that children need to these services, the NHS must respond to the woeful feedback about children's experiences of these services.

Conclusion

Colleagues, I must draw my speech to a close. This is our watch and it is on our watch that we must work with partners to encourage and enable a more inclusive, child focused, education, health and care system. But we can't do it on a shoestring and we can't do it fighting with one hand tied behind our back. Minister I know you will agree with me when I say we want all children and young people to thrive not just survive, in a country that works for all children.

Thank you for listening.

Introduce the Minister and invite him to the lectern