

## **ADCS Speech 07/07/22**

It is a pleasure to be here with you today – all the more so to see you all in person.

I joined Ofsted at the start of 2018, when we had just embarked on our first inspections of local authority children's services (or ILACS) inspections. At the end of Single Inspection Framework (or SIF), 22% of local authorities were categorised as inadequate and 64% were less than good. We aspired to focus on the progress and experience of children in need of help, protection and care, and to narrate your improvement journeys as you establish an environment for the best social work practice to consistently thrive.

To do this we implemented a wider range of tools; with short and standard inspections to take account of your starting points, and focused visits to garner good practice and identify areas for improvement outside of the graded inspection process. You have told us that our monitoring visits to inadequate areas have reinforced your self-evaluations of progress, highlighted where further improvements are needed, and have been helpful in recognising where progress had been made. No LAs judged inadequate under the SIF remain inadequate.

The very good news is that we have seen solid improvement. It has been particularly pleasing to see this continue despite the additional asks and practice limitations of the COVID period. And we also know that these challenges have been followed by increased financial stresses on families and new pressures from children and families fleeing events overseas.

And longstanding workforce challenges continue to grow.

There are now 23 outstanding LAs, 58 are good (several of which have one or more areas of outstanding practice), 52 require improvement and 17 are rated inadequate. There is more to do but as ever, I take my hat off to all those doing the heavy lifting in such challenging times.

At Ofsted, we continue striving to improve too. We made some improvements to the ILACS, to make sure we acknowledge the really good work many LAs are doing to keep more children safely with their families, through earlier help and intervention and through the Public Law Outline. We have made our joint targeted area inspections (known as JTAIs) more proportionate and focussed, and we are consulting on an ILACS Care Leavers judgement.

We believe that including social care in our SEND framework will keep the education, health and care integration you model locally at the heart of our inspections too.

And we also believe that, in the new SEND framework, as with the refreshed multi-agency JTAIs, we can be better at identifying where weaknesses lie and to hold the right partners to account. We look forward to your consultation responses.

We are conscious of the National Panel's recommendation for more multi-agency JTAI inspections of child protection, and new or changed inspection and regulatory asks in the Care Review.

I will turn to inspection and regulation later, but on the Review more widely, we absolutely welcome that it raises our shared ambition to better support families long before crises arise. Building the right early help and prevention at all stages will need clarity of expectation from all partners. Ease of access, consistency and transparency for families - as well as respectful but assertive outreach - needs to ensure that, across the continuum of help and protection, the right help and, where necessary, proportionate statutory intervention supports positive change in families and makes children safer.

We support the intention to achieve frictionless data sharing by 2027 and we recognise the need for guidance and legislation on information sharing to be strengthened. Our inspection evidence confirms that technology improvements need to be re-enforced by cultural changes to ensure universal practitioners see children as part of complex family networks, and are challenged and supported in getting the balance right regarding what to share with whom, and to provide even more clarity regarding consent.

Again, we strongly support the intention to strengthen the strategic role of multi-agency safeguarding partnerships. We need greater transparency about each partner's contribution, and we support the potential for multi-agency inspection to drive collective improvements. However, alongside the JTAIs, we believe that single agency inspection must also reflect each agency's accountability for safeguarding, corporate parenting and SEND.

As government considers its response to the Care Review, we absolutely stand ready to play our part. As we start to get into the detail, we acknowledge that all of us – the DfE, Ofsted and the sector – must look at the collective as well as individual impact and footprint of the underpinning regulation and inspection. Of course, I believe that inspection has a very valuable part to play in supporting your improvement journey and in securing nationally benchmarked expectations for practice, service and the experiences of children and families. But we must also look at the accumulative impact on your day-to-day delivery and capacity.

The whole system change visualised by the Care Review means that the wider accountability regime needs to be refreshed too. But this is not confined to Ofsted. DfE, Social Work England, DCSs, IROs, LADOs, fostering and adoption managers, responsible individuals, registered managers, independent visitors, Reg 44 visitors, Cafcass Guardians and Ofsted all have a regulatory role or provide important safeguards and checks and balances. A system that works for children and families needs transparency, coherence and join up.

Our collective regulations have been constructed over time, with layers added in response to specific events. The Independent Inquiry into Child Sexual Abuse was a reminder of many awful events that triggered the safeguards built into our regulated care system.

Of course, we all need to understand what safeguards we must protect, but challenge ourselves to ensure they are fit for purpose for:

- a significantly changed provider map
- the current and future needs and ambitions of the children needing care and care leavers
- and our collectively raised ambitions for them too.

We will have to consider the right sort of oversight of the bespoke services which support care prevention, and which don't fall neatly under an "LA service" or home. This is a gap. But the area which worries me most, and where I feel we have collectively the most to do, is in relation to residential provision. As I have said repeatedly, we need the right homes, in the right place for the specific needs of children now and in the future. This requires joined up commissioning across mental health, justice and care. From needs analysis, to getting funding in the right places and stimulating the right kind of provision - this is urgent.

We need the right sort of multi-disciplinary therapeutic offer to support children needing care and those returning to their families. This includes the right provision in the community for children and young adults with autism or learning difficulties, and a better response to the 400%+ increase in children before the High Court to consider the deprivation of their liberty. The “right response” in social care is rarely binary and often nuanced. Many of you, like me, will remember when a rogue performance table or nudge encouraged you to hit a target rather than do the right thing for a child.

I worry that the current lack of capacity in care homes and some provider anxiety about our regulation of supported accommodation are inadvertently driving up costs and reducing options for some children. I hear of providers telling you they can't take a child because it might affect their Ofsted grade. Yet grade profiles have broadly stayed the same, and I see some fantastic work with children with the highest levels of need. It is always about how providers are meeting those needs and we absolutely understand that progress won't be linear or easily achieved. I am hearing more often of providers looking to move children of a particular need on, and local authorities competing financially for one empty place. The numbers and needs have increased, and yet we see places held vacant. Is this careful matching or the absence of an experienced workforce to deliver safe and effective care if that place is filled? Of course, inspectors must give due credit to those providers who are willing and able to care for children with high needs. We don't want to see a risk-averse approach that leaves children with the most complex needs less likely to receive the kind of care they need.

We see market changes in response, and some of these are good. For example, I have heard of more LAs opening their own provision or working with others, including regional partners and the private or voluntary sector, to improve the supply.

We no doubt need smaller homes to meet the needs of children who need 2 or 3 to one support, a low sensory environment and who might struggle with the needs and behaviours of others. But I worry that the pursuit of the perfect match is leaving places vacant and upping your costs. And I worry about perhaps creating too many single child homes, where some safeguards may be more difficult to deliver and where the loss of social interaction with peers in the longer term may cause different harm.

As system leaders, you need to stimulate the type of care that better meets the needs of children, reduce vacant beds and to train, recruit, develop and support the workforce that the children deserve and need.

Alongside this, we need to design a regulatory regime which is proportionate, with the right safeguards built in, through the collective oversight of providers, LAs and by the wider formal regulators in CQC and Social Work England.

And “right touch proportionate whole system regulation” continues to be our theme in the supported accommodation space.

As you'll know, we'll start to register providers of supported accommodation for 16–17-year-old children in care in April 2023 and commence inspections in April 2024. We think standards and regulatory oversight are necessary. The quality of supported accommodation is too variable.

We're very grateful to local authority colleagues for your help with our recent request for data on supported accommodation. We had a fantastic response rate and the information you've shared will go a long way to making sure that we register and inspect in a proportionate way, that reflects the needs of young people in supported accommodation.

We've already agreed with government that we'll be registering and inspecting providers, rather than individual settings. We do think that this is the most achievable and proportionate approach. We do, however, need to be able to respond to a poor or declining setting and we will do so.

The diverse and dynamic nature of supported accommodation means that provision has to be able to adapt quickly and flexibly to young people's changing needs. We're also very conscious that any additional demand on Ofsted has a knock-on effect on local authorities and providers, by taking away skills and expertise from frontline work. We don't think it's right that increased regulatory activity should stretch the local authority and provider workforce any more than it needs to.

We know that regulating this provision for the first time may lead to some unintended consequences for young people. For example, I'm sure that you'll already be talking to commissioned providers to find out whether they intend to register next year and considering what contingency plans might be necessary for young people.

And, while supported accommodation may not provide 'care' to children in the same way children's homes do, we do understand that young people's needs cannot always be easily separated as either 'care' or 'support' – these are part of a continuum. Children and young people's progress is rarely straightforward (or linear).

We absolutely don't want providers to think that providing any kind of 'care', however temporary, to young people will mean they are automatically operating illegally. High-quality supported accommodation should be caring, kind and nurturing. We will make this clear in the inspection framework and guidance.

Whatever arrangements we eventually implement, if a young person is living in supported accommodation, we will expect to see evidence that this is demonstrably in their best interests and the support they receive meets their individual needs.

We'll be consulting extensively on the arrangements, as you'd expect – and we'll work hard to make sure we take account of stakeholders' views. Most importantly, we'll be looking to hear from as many people with experience of care as possible.

Be it supported accommodation, a fit for purpose regulatory regime or the wider findings of the National Panel and the Independent Care Review, we are committed to working with the sectors we inspect and regulate, as well as DfE colleagues and wider stakeholders, including children and families, to make the right changes and to make them well.

As we often say in ILACS, the model of practice is only as good as its implementation. That is also true in social care changes at system, service, setting or team level.

We also need to acknowledge that you, and we, may not get it right first time. We may test things that don't work, or trigger something unacceptable elsewhere in the system. We need an open and honest dialogue to assess whether it is a matter of poor practice, a system gap or if the initiative isn't right for children, families or the workforce.

Most importantly, we must all keep children and families front and centre and provide the challenge, support and resources to create a system where social care and its regulation can thrive.

Thank you.

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