

ADCS President's speech to annual conference 2021

Introduction

Good morning and welcome to ADCS annual conference. Whilst I'm disappointed that we cannot gather together at our usual conference haunt, the Midland hotel in Manchester, I am delighted to be coming to you live from Salford. I hope you find the online conference useful and interesting.

It's been a busy three months since I delivered my inaugural Presidential address and I want to reflect on some of that here with you today.

Education Recovery

The announcement in May of £1.4billion for Education Recovery was disappointing, but we take on face value that there will be further investment to come as government reviews the evidence on the benefits (or otherwise) of extending the time pupils spend in school. The resignation of Sir Kevan Collins was a loss. For once it felt like we had someone doing an education-related review who understood, valued and recognised the role local government plays in relation to schools and colleges. Schools are at the heart of their local communities, they are not islands nor are they oases. The artery connecting schools to their local communities is and should be the LA. The LA has a unique, democratic, place-based role drawing together multiple partners, providers, volunteers and professionals, community groups, and support services. Through the DCS, the LA can and does lead and convene this multiplicity of local partners orchestrating them to work together in the best interests of children.

Education recovery cannot be achieved in isolation from improving children's wellbeing holistically. Similarly, the DCS's statutory duty to promote children's wellbeing cannot be fulfilled without attention to educational outcomes. The relationship between local government and schools is symbiotic. Children's future life chances depend upon schools and local government working in concert.

In April, the Secretary of State gave a speech to the Confederation of School Trusts where he outlined his desire that over time all schools should be part of a good MAT – a return, though not via compulsion, to the academy max agenda. This, said the Secretary of state is the best way of "...advancing education for the public benefit". I am heartened at the Secretary of State's offer to me of holding a roundtable conversation with representatives of local government to discuss how in pursuing the academisation agenda, government can ensure that local authorities can fulfil their statutory duties in this space and that their role and contribution to the best education can be properly agreed. If the goal is to advance education for the public benefit, then surely high achieving, well-run maintained schools should be allowed to remain maintained, perhaps offering those academies that are underperforming the opportunity to 'try before they buy' and remind themselves first-hand what it's like to be part of a strong supportive network of schools. Some local authorities have excellent track records of turning around under-performing schools. Is it really to the public benefit that they are excluded from the business of school improvement? Whatever the system end state for schools, it will have to be complementary to continuing local government statutory duties in relation to:

- place planning & sufficiency of good places including early years provisions
- admissions
- SEND and high needs funding,
- PRUs and alternative provision

- safeguarding
- home to school transport
- promoting the wellbeing of all children locally, particularly those who are vulnerable.

For my money, schools are the fourth Statutory Partner in local multi-agency safeguarding partnerships. Local partnerships must do all they can to find a meaningful, sustainable and proportionate means by which early years settings, schools, MATs and colleges can participate in local safeguarding arrangements. We would particularly welcome a discussion with DfE about the connectivity of independent schools to the local multi-agency safeguarding arrangements. There are particular challenges here as these schools tend to draw their intake from across the country, nevertheless, Government needs to make clear the expectations it has of all educational settings to engage.

Review of sexual abuse in schools, violence against women and girls and culture shift

In June, Ofsted's review of sexual abuse in schools and colleges was published. It makes clear the sheer scale and prevalence of sexual harassment and online abuse experienced by our young people, reinforcing the serious issues raised by the thousands of deeply upsetting testimonials submitted via the Everyone's Invited website. We welcome the recognition that extensive and sensitive work to shift culture as well respond effectively to individual incidents, is required. While a significant volume of the issues relate to incidents and pressures online or outside of schools and colleges, they frequently involve pupils at parties or in public unsupervised spaces, such as parks.

The report highlights some challenges and specific actions for educational settings including early years settings which have a vital role to play in initiating the cultural shift required to change to attitudes towards women and girls.

It's clear that a wider response is required beyond new guidance or changes to the curriculum, one that develops new expertise and also draws in young people, parents, carers and communities, in order to protect others from harm. Change at a societal level is urgently required to challenge the misogyny, prejudice, harassment and abuse that is still all too common if we are to protect girls without at the same time criminalising a generation of boys. This needs clear leadership and a comprehensive plan of coordinated action that draws together different government departments, reforms and agendas, such as the current refresh of the government's violence against women and girls strategy, with the introduction and embedding of the new relationships and sex education in all schools. A national campaign is also needed to tackle the casual acceptance of degrading and over sexualised representations of children and young people and the insidious and pervasive impact of social and other media in facilitating and normalising the cheapening of sex.

The criminal law is a blunt instrument for dealing with the highly complex issues associated with young people who are perpetrators and at the same time may also be victims of exploitation or coercion themselves. As a sector, we've learnt much in recent years about the value of taking a trauma-informed practice approach to working with vulnerable adolescents who are victims of sexual exploitation and abuse, who are in the youth justice system or who are in need of in-patient mental health care. This practice approach needs to extend right into schools. We cannot risk girls absenting themselves from school to escape unwanted sexual attention.

The Ofsted review of sexual abuse in schools revealed the colossal pressures experienced by our teenagers. Whilst the reasons for not reporting are complex, they are fed by wider societal attitudes. Violence against women and girls is deeply entrenched – it is a cause and

consequence of women's inequality. So, what is the political response beyond the school gate going to be? Addressing the dismally poor rates of rape convictions in the adult world which leaves women with no justice would be a start, perhaps.

Care review case for change

In June, the independent review of children's social care published its case for change. It reiterates a series of very important issues that ADCS has been raising with government over the last few years - the value of early help, the impact of poverty on children's lives and outcomes, the marketisation of services for vulnerable children, the slow pace of change in youth custody responses, funding and the lack of coordination for child and family policy across government. As well as highlighting concerns, which the report does in spades, we must also recognise the incredible work undertaken by our social workers, and the wider workforce, on a daily basis. Social workers operate in a grey space bound by a strict legislative framework and under intense scrutiny from many different angles. Yes, the workforce must be empowered to make the best decisions for children and families, but appropriate and measured checks and balances are also needed to support this life changing work, which can be absolutely transformative for children and families. For too long external influences have driven risk averse cultures and we need to challenge this.

We have one of the safest child protection systems in the world and it is vitally important to work to keep families together where that is right for children and keep children and young people close to their supportive networks. However, whilst by no means perfect, care can be and is the right place for some children and we must work to make it the best place possible for those who need it. Children should not be stigmatized for the impact of their life experiences or for the mistakes the adults in their lives may have made. There are fundamental issues raised within this report, such as the contributory causal relationship between income and state intervention, along with the racial disparities that exist but no attempt to analyse the historical policy initiatives which have given rise to these issues. The review must seek to understand not only the symptoms, but the root causes, which may be beyond the gift of children's services, before proceeding to par-boiled solutions.

The importance of avoiding lazy stereotypes and being ambitious for children in care cannot be overstated. We know that all children and young people need a stable, loving environment that allows them to flourish. The evidence is clear that the earlier we are able to support families, the more likely this is to happen. Instead, over the last decade central funding for these vital services has fallen dramatically and so all too often we are now only able to intervene when problems have escalated to near crisis levels. This is not in children's best interests and it is certainly not sustainable. For years many in the sector have called for investment in early help and preventative services. Always our pleas are met with the response "show us the evidence that early help works". Nobody questions the concept that prevention is better than cure in the health service. How much evidence is enough? I can see that for some people the lack of a common definition of what early help is, can be problematic. It has certainly resulted in a plethora support offer which can be difficult for families to navigate. So, although it feels like another turn on the merry-go-round, investment in Family Hubs may help us to bring clearer visibility to the sophisticated and impactful early work that many LAs do with families.

The review calls for a vision for children's social care, we think this must go further and be part of a coherent and strategic long-term plan for children. One that recognises the systemic barriers facing children, particularly those growing up in poverty and deprivation. Providing the right support at the earliest opportunity for children and families is key but we

must also not lose sight of the child. Their welfare and rights must be paramount in decision-making.

Placements

Children and young people with complex mental health needs, high rates of self-harming and suicidal behaviour are often hardest for us to find a placement for that actually meets their needs. So too are those children who have a history of multiple placement breakdowns, whose traumatic life experiences are demonstrated in deeply distressed behaviour, and those exhibiting sexually harmful behaviour or caught up in gangs and exploitation, some of whom need a placement at distance from their home, for their own safety. It could be seen as a success that other children are successfully living at home and that the needs of many children needing residential care have become more complex. It also means a substantial rethink on how to create meaningful placements for the future.

Often when seeking to find the right placement at the right time for these children, a placement that will support good outcomes for the child concerned, corporate parents are left with little choice but to create bespoke single placements with intensive wrap around care. In such circumstances, and they are not infrequent, we are creating unregistered and therefore illegal placements. The impending ban on placing under 16s in semi-independent placements will exacerbate placement difficulties for this very vulnerable group of children. In the long term, the DfE's modest investment in open and secure children's homes, coupled with a concerted drive to recruit and retain more in-house foster carers will assist. But what are we to do in the meantime? ADCS has advocated for a refreshed approach to registration of children's homes, registering the provider not the building in a streamlined process which could include temporary registration for single flexible placements from known and trusted providers. Portable registration for home managers to oversee more than one setting, particularly where single placements are in the best interests of children and young people, could also be a short term solution. The system must step up and urgently.

The secure estate and secure schools

Josh's case for change says the alarm has been rung many times and action is long overdue in relation to youth custody and the secure estate. Since 2016, a series of reviews and reports dealing wholly, or partially, with youth custody, children and young people in conflict with the law and the risks adolescents face, have been published. 18 and counting including multiple reports from the Children's Commissioner for England. Many have been directly commissioned by government departments, or agencies, and the subsequent findings and recommendations either wholly or partially accepted. But can we honestly say the experiences of children in custody have significantly changed during this time?

Across all of these reports, and drawing in the findings from inspections of individual custodial settings as well as thematic and annual reports by the inspectorates, hundreds of recommendations for change have been made in order to improve responses to, and the experiences and outcomes of, children and young people in conflict with the law. Yet official data show that levels of violence and self-harm across the youth custodial estate remain unacceptably high and three quarters of children and young people who have spent time in custody go on to re-offend. Only a few weeks ago, we were notified of the closure of a second STC – Rainsbrook after a catalogue of critical judgements, which would have seen a maintained school converted to academy status, and some truly horrifying revelations from the young people incarcerated there. Proportionally, STCs have the highest rates of violence per capita of all custodial settings, including adult prisons. Children in these centres are suffering significant harm, yet we cannot intervene to protect them.

The government's own solution to these deeply entrenched and routinely well-documented failures in the youth custodial estate is to open secure schools. In the five years since the government accepted Charlie Taylor's recommendations that STCs and YOIs be closed in favour of secure schools. The government has managed to procure Oasis academy chain to open and run the first ever secure school. But the government has not been able to persuade the Charity Commission that locking up children is a charitable endeavour. So, the government will legislate to allow for it and the vehicle for that is the Police, Crime and Sentencing Bill. Inevitably, LAs will remain precluded from running secure schools despite having an established track record with Secure Children's Homes, such as Barton Moss in Salford, which has been rated outstanding for the last decade.

Child poverty

The impacts of Covid-19 have been differential. The pandemic has simultaneously exposed and heightened the stark disparities between disadvantaged children and their more affluent peers. From hunger, ill-health and overcrowded, cold, damp homes to children's access to safe, outside spaces to play or the technology and therefore opportunities to learn at home. Despite the more loathsome provisions of bedroom tax and capping child benefit, the Welfare Reform and Work Act 2016 envisaged the development of a life chances strategy, described at the time as a comprehensive plan to fight disadvantage and extend opportunity, in place of an earlier duty to publish a national child poverty reduction strategy. The life chances strategy was shelved in favour of a social justice green paper, which has never been published. The imperative, the sense of urgency to address child poverty in a coordinated way, remains.

DfE's own recently published data show that 1 in 5 children are now eligible for FSM. That's 1.74million children of whom 430,000 have become eligible since the first lockdown in March 2020. The largest increases in eligibility are in primary-aged pupils.

Conference, where is the national plan for children? An ambitious 10-year plan that commits to supporting children to recover from the pandemic and address long term disparities. I don't want us to pathologise the experiences of all children and young people during the pandemic. Clearly, not everything has been bad. We do need an holistic approach backed by significant and sustainable investment which brings together the educational recovery and wider recovery needs to restore wellbeing. ADCS has been calling for this for some time. I'm delighted that the new Children's Commissioner for England, Dame Rachel De Souza is in agreement. I am very much looking forward to hearing from Rachel later today.

Let me turn briefly now to another review that really should have children's welfare and rights front and centre – the SEND review.

SEND review

Colleagues, I fear that the SEND Review has lost its mojo. Inevitably delayed due to Covid, it has also been effected by a set of changed circumstances altering the landscape – the launch of the care review, the Secretary of State's vision that all schools should become academies, and the development of ICSs. It will certainly be autumn before there's any announcement about a Green Paper.

To date in the review, there's been too much focus on parental wishes and education provision without any incentive for schools to be more inclusive. So, as we tiptoe forward, ADCS will be urging the review to:

- return to first principles – preparing children for an independent, good quality adulthood
- think carefully about post-16 offers
- clarify accountabilities not just responsibilities
- improve the quality of case work in relation to EHCPs – better paid, trained and qualified staff undertaking this important work could help deliver greater parental confidence in the process, thereby hopefully reducing the unnecessary pursuit of expensive placement in the independent sector. A clear case if ever there was one, of invest to save, that would surely appeal to the Treasury?
- invest in short breaks and family support
- secure commitment from national health partners to invest in children's health needs, strengthening the means by which health services can be held to account for their contribution.

Concluding remarks

As I said earlier, it's been a busy three months during which I believe we can see the influence of ADCS members. One of our Association's policy priorities for my year as President was to seek to maximise our influence in the Care Review. Whilst we have some concerns as to where the case for change might lead, I do think that the review's upfront acknowledgement of poverty as the principal driver of demand is an important step in tackling the wider societal determinants of family distress. An argument that ADCS has been making for some time. I cannot think of a single family whose distress would be ameliorated by a technocratic debate about structural reform.

The CMA market study into the costs of and profiteering in independent children's homes and independent fostering placements is welcome. 36 LAs completed an extremely resource-intensive survey from CMA and I thank you for doing so. Let's hope it reaches the same conclusions we have reached.

I think too that ADCS members, and here I pay tribute to Helen Lincoln (DCS, Essex), have helped the family justice system significantly. Collectively we have just completed an exercise to identify the public law cases where the impact of court delays is having the most severe impact on children's outcomes. ADCS with Cafcass, judges and government departments have sought to expedite workable solutions.

Since 2016, ADCS has undertaken an annual EHE survey, which has revealed steady increases year-on-year in the numbers of EHE pupils. In October 2020, the numbers went through the roof, probably as a result of parental anxieties around schools fully re-opening in September after prolonged periods of partial closures. We will watch with interest how those numbers play out in this year's survey. We welcome the DfE's intention to introduce a national register, however, no timescale has been set. Clearly such a register cannot be in place in time for September return to school which is regrettable. I believe that had it not been for ADCS's tenacity in keeping this issue high on the policy agenda, that we would never have got to this place.

I said in my inaugural speech in April that I was infuriated by the silence around children's health needs in the White Paper and that the emerging operating model for ICSs also appeared to have forgotten children. Since then, I am pleased to report that ADCS is engaged fully in the LGA-led Sounding Board and that DfE due to the Minister's efforts, have connected properly with DHSC. Children's health needs are now higher up the health reform

agenda than they were. I'd like to take this opportunity to thank the Minister for her intervention and leadership. Let's hope that we are now firmly set on a progressive course.

I've outlined here some of the complexities and dilemmas we are grappling with nationally. No child must be left behind in recovery as we move "cautiously but irrevocably" towards a life free of pandemic restrictions, one where we learn to live with Covid-19. Colleagues, if this isn't the year to prioritise children and young people, when is?

**Thank you. Now it is my pleasure to introduce Children's Minister, Vicky Ford.
Minister, over to you.**