

The Rt Hon Nicky Morgan, MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
Great Smith Street
London. SW1P 3BT

By email to: Sec-of-STATE-Diary.PS@education.gsi.gov.uk

22nd May 2015

Dear Secretary of State,

I would like to take this opportunity to congratulate you on your re-appointment as Secretary of State for Education and to reiterate the commitment of the Association of Directors of Children's Services (ADCS) to work constructively with you and your ministerial team in DfE to achieve our shared aspirations of improving outcomes for children and young people in England. I outline below some of the main areas where our priorities as a professional association are likely to intersect with those of your own.

ADCS is undertaking two specific pieces of work (in relation to elective home education; and, radicalisation) as part of an ambitious programme of other work. We are very keen to meet with you to discuss some of this work and we remain, as ever, willing to engage with officials to discuss specific aspects of our remit and work.

ADCS members welcome the priority you have given to supporting school funding and wish to ensure that the wider contribution that schools make to children's welfare is maximised including schools' role in improving mental health and wellbeing. There is much to gain from greater collaboration between schools and the wider system going forward.

But we also urge you to consider the funding shortfall across other children's services. Local authorities have faced sharply increased demand for children's social care since November 2008 at the same time as severely constrained funding.

It is notoriously difficult to estimate the funding gap for children's social care. It is vital however that planned spending for children's services in the next parliament is based upon the twin realities that demand and demographic pressures in the child population, particularly in areas of deprivation, will continue grow. As the ADCS Safeguarding Pressures Phase 4 research, (published in November 2014), shows, there is a correlation between rates of referral, numbers of children subject of child protection plans and numbers of children who are looked after, and deprivation. We are also worried that the non-statutory parts of the system – particularly children's centres and youth provision - will be more vulnerable to cuts in spending, reducing capacity in the system to intervene early before problems escalate.

Education (school places; accountability; schools capital; elective home education)

Local authorities have wide ranging duties and powers to promote high educational standards in their areas and make sure there are enough **school places** to meet local demand and that all local children have fair access to a place at a good local school.

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ADCS embraces diversity in the school system and our members work with all schools in their areas to help them to raise standards. But, as schools are given more autonomy, it becomes more important that they are effectively held to account and swift action is taken when standards slip.

We do not think that the current two-tier system of **school accountability**, with local authorities responsible for the majority of schools, but academies and free schools accountable to Whitehall, is sustainable. Someone who knows their school is needed to keep an overview of how staff and governors are performing and how public money is being spent. Whitehall, Regional School Commissioners and their headteacher boards are simply too remote to deal with safeguarding, accountability and governance in individual academies and free schools. Local residents, parents and guardians tell us that they want a clear accountability system that is local so they know instantly who to go to if they have a complaint, concern or issue which cannot be resolved directly by the school. ADCS members believe that the current local authority role, working on behalf of all pupils and all schools, is the right mechanism to hold together collaborative arrangements which harness the capacity and expertise in schools, and across the wider system, for the benefit of children, young people and their families.

Local authorities play a critical role in ensuring the education system works effectively and the fragmented accountability arrangements that currently characterise the oversight of our schools system are getting in the way of establishing:

- Effective planning for school places, including the quality and quantity of post-16 provision, to meet the needs of a growing school-age population
- A transparent process for school admissions
- A framework to provide more support for those with additional learning needs in school
- The reliable supply of high quality teachers (especially in the core subjects of science and maths) and headteachers
- Rapid, early action to prevent failure in individual schools
- The capacity to deliver a broad, balanced and challenging curriculum in each school
- The resources to ensure all children in all schools are safeguarded
- Clear pathways into higher education, training or work.

The current system for distributing **schools capital**, with separate allocations for rebuilding schools, school maintenance and new school places, allocated through a plethora of central and local programmes, is disjointed and lacks coherence.

The independent James Review of schools capital, commissioned by the government, said that the DfE “should avoid multiple funding streams for investment that can and should be planned locally, and instead apportion the available capital as a single, flexible budget for each local area”. We agree with this assessment and would urge you to consider the creation of new school places, including the future siting of free schools, in conjunction with local authorities. Together we can work to ensure that new school places are provided where they are needed and that best use is made of public money.

We would also be keen to work with you to look again at your department’s approach to **elective home education**, as we believe there are quality and safeguarding issues that must be addressed in order to re-balance the discourse around elective home education so, whilst it recognises the importance of parental choice there is greater focus on children’s needs. As far as it is possible to tell, there are at least 27,000 children and young people being electively home educated currently.

A sub-group of the ADCS Educational Achievement Policy Committee is undertaking a piece of work to understand better this cohort of learners and their educational attainment. This small group of colleagues would be very happy to meet with you or your officials to consider whether it might now be apposite to look again at this aspect of policy, particularly the matter of a statutory register of home educated learners.

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Protecting children and young people (mandatory reporting; radicalisation; sexual abuse)

ADCS does not support the introduction of **mandatory reporting** of all forms of abuse and neglect. We understand those who consider the imposition of criminal sanctions for failure to report abuse or neglect will drive better reporting, but we are unconvinced it will result in the desired outcome. We believe the evidence from where mandatory reporting has been introduced is at best mixed and does not support its introduction. There are significant practical obstacles to implementation too, from defining the spectrum of activity covered, to bringing prosecutions. Moreover, criminalising some professionals and overwhelming already pressured police and social care referral processes, may result in unintended consequences that do little to protect vulnerable children and young people.

We share your concern about the vulnerability of some young people to **radicalisation** in schools (sometimes 'illegal' unregistered schools), at home and crucially in the youth justice system. It is vitally important to get the balance of approach right here, respecting issues of national or community safety and safeguarding children and young people. You will be aware of course that Brighton & Hove Safeguarding Children Board is the first in the country to commission a SCR that deals with radicalisation and extremism. This is a particularly complex area of policy; there are some parallels with grooming, particularly on-line, for sexual exploitation.

We have a small group of ADCS members with experience and some emerging expertise in tackling extremism and radicalisation and we would be more than happy to bring that group of people together for you and other ministerial colleagues if you thought that helpful. In advance of that, ADCS can provide you and your officials with a more detailed briefing note about how local authorities are tackling this form of exploitation.

Publicly-funded schools have a duty to promote community cohesion. Plainly, intervening early with young people who may be at risk of radicalisation or vulnerable to extremist influences is important for building resilience amongst young people. Schools' ability to pool budgets with local authorities for integrating early help offers to maximise the available local resource would be helpful in this as in many other areas of early help. Currently, that is only possible if you as Secretary of State give your express permission so we would urge loosening of these restrictions to encourage the collaboration across the system which is needed.

The quality of local authorities' links and relationships with all schools in their local area is a critical success factor in tackling radicalisation and extremism (for example, access to school attendance data can help to identify patterns of concern). But the limited powers local authorities have to intervene in independent, unregistered 'illegal' schools and elective home education settings (with either safeguarding, health & safety, pastoral or curricular concerns) is of mounting concern. We urge your department and the Home Office to engage with us to address the concerns around the lack of necessary checks and balances associated with unregistered schools and elective home education. We need more practical tools to draw upon than having to rely on the Health & Safety Executive or the Fire Service to close down unregistered schools.

Child sexual abuse, in all of its forms must not be tolerated. I know we share a determination to prevent harm, by intervening early with potential victims and perpetrators, support victims, including those people who were victims of historical abuse, and bring offenders to justice.

The work undertaken recently by government, led by the Home Office, with 12 local areas looking at and learning from local responses to tackling CSE is an important foundation for what we do next. We believe that the learning was delivered to Ministers. We urge that it is now shared more widely so that we can all ensure improvements are made.

The previous government's report, published on 3 March 2015 *Tackling Child Sexual Exploitation*, laid out an extensive suite of actions designed to create "...a step change..." in all of our

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responses to this issue. As the report identifies, clear leadership and equally clear accountability are essential. ADCS members feel strongly that responsibility and accountability for key systems within the sphere of child protection and safeguarding must be clear. Arrangements for protecting children from sexual exploitation and abuse, and ensuring the co-operation of health, police, schools and local government have become somewhat confused and confusing. We must ensure accountability is clear and governance is effective. ADCS believes this is best achieved by having a local leader who is the single point of accountability for children covering all areas

Promoting the mental health and wellbeing of children and young people

One of the privileges of being ADCS President is that you can champion issues close to your heart. When I made my inaugural speech (on 15 April 2015) I indicated that I had a small number of personal priorities that I wanted to bring sustained visibility to during my year as ADCS President. One of those things is mental health services for children and young people, they are simply not yet good enough.

In my view, the fragmentation of commissioning has been one of the key problems, resulting in confusion about accountability arrangements. Local Health and Wellbeing Boards must be the focal point for ensuring the commissioning of adequate provision and the holding to account of providers. But there is much more to be done to implement the recommendations of the *Future in mind* report¹. I will do what I can to support this.

Adoption, fostering and other forms of care

We remain committed to improving the performance of all adoption agencies, particularly timeliness for children for whom adoption offers the best means of improving life chances. We feel increasingly strongly that the emphasis on adoption and the progress that has been achieved as a result of ministerial focus, together with the establishment of the sector-owned Adoption Leadership Board (ALB), could be applied more widely to all forms of permanence for children.

The government's commitment to Staying Put in foster care is welcome; the cost implications are significant, as are the impacts upon the supply of foster care placements. Despite this, it is the right thing to do because it is very clearly in the best interest of young people who wish to stay in their foster placement as care leavers. It makes absolute sense to me that that same opportunity is extended to young people in residential care – this is a second personal priority for my year as ADCS President. Recent work commissioned by a group of national charities² scoped some models and estimated the cost at £76m, giving a sense of the scale of the investment needed. Of course it will be challenging and there are significant practical issues to overcome but we know that the vulnerability of young people looked after in residential care is greater than those in the care system as a whole so we must do the best we can for these, the neediest children in our care.

Reforming social work

We are working closely with Isabelle Trowler, Chief Social Worker for Children & Families on the development of the accreditation models linked to the three new statuses for social work practitioners. It will be really important to grasp early on in the development of the accreditation and assessment system the scale and wider implications, particularly in respect of industrial relations. We want to support this ambitious initiative but strongly urge that there is early engagement to understand the full implications associated with implementation in order to ensure it is successful.

1

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414024/Childrens_Mental_Health.pdf

² 'Staying Put' for young people in residential care: A scoping Exercise (December 2014)

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Thank you for taking the time to read this rather long letter. I have a personal passion and commitment to help to make a difference and hope that I can add weight to the commitment of your own department to drive improvements which will benefit children and their families. I hope that we can meet as soon as your diary allows.

With kind regards

Yours sincerely

A handwritten signature in black ink that reads "Alison O'Sullivan". The signature is written in a cursive, flowing style.

Alison O'Sullivan
ADCS President 2015/16

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