

By email to: Review.CHILDRENSSOCIALCARE@education.gov.uk

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ADCS response to the independent review of children's social care case for change

Introduction

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) appointed under the provisions of the *Children Act (2004)*. The DCS acts as a single point of professional leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to the independent review's case for change.

Our ambitions for children and young people

2. ADCS members are ambitious to their core for children and families and all that they can achieve. Every child deserves a happy, safe childhood in which they can thrive, not just survive. Directors of children's services are system leaders in place, working across partners to ensure the right synergies to deliver the best outcomes for all children. As the system evolves, and to some degree fractures and complicates, the DCS role to connect it for the sake of the children we serve grows ever more critical. The developing ICS arrangements, the further academisation of schools, the learning from a national pandemic, and the ongoing delay to the SEND Review all impact on our planning and re-emphasise the need to stay focused on delivering the best future system that delivers the best outcomes.
3. The independent review of children's social care is a once in a generation opportunity to make meaningful and lasting change for the children and young people who need help and support to thrive. Context is key and the case for change reiterates a series of very important issues that ADCS has been raising with government over the last few years. From the value of early help or "family help" as defined in the case for change, 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, reduced funding and the lack of coordination for child and family policy across government. There are fundamental issues raised within the review's case for change, such as the contributory causal relationship between the lack of income and state intervention, along with the over and underrepresentation of particular races / ethnicities among the families receiving children's social care interventions. The review must therefore seek to understand not only the symptoms, but the root causes and solutions if, collectively, we are ever to shift the paradigm and be more ambitious for children. Many of the solutions are beyond the immediate gift of children's services, such as welfare and benefit policies. We all have an important part to play, not least central government which has the scope, power and responsibility to write new legislation, update guidance and determine the priorities for public spending.

4. We need to rethink how we as a nation support and invest in children and young people, they are the country's future and the citizens of tomorrow and the country has not been ambitious enough for them. Over the course of the pandemic, much has rightly been made of the need to invest in recovering 'lost learning'. While education is key, children and schools do not exist in a vacuum and if we are to truly 'level up', the social conditions that support children to thrive in school also need to be in place. As the former Education Recovery Commissioner Sir Kevan Collins noted, education recovery can only be seen and succeed in the wider context of recovering for wellbeing. We need a commitment to the funding and provision of preventative services that support children and families to thrive, not just survive, creating the circumstances needed at home for children to be able to succeed in all aspects of their life.

5. Since 2017, ADCS has championed the concept of [a country that works for all children](#). We believe every child should be able to say:
 - My family and I do not live in poverty, we are not hungry
 - We have an affordable, warm and safe home and environment
 - My contribution to my community and wider society is both valued and recognised
 - I am supported to grow and develop. Education builds my confidence and prepares me not just for exam success and the world of work but also for independence
 - I am supported early if I have any emotional, health and/ or physical needs
 - I am not unnecessarily criminalised and professionals understand my circumstances, I am listened to and actively involved in any decisions they take about my life

6. The DCS's position of oversight and system leadership is unique, spanning from maternity to adulthood and from universal (e.g. health visiting, school place planning, admissions) through to highly specialist (e.g. adoption, children in care, secure children's homes). The ambition directors of children's services hold for children and their families is not limited to a social care function only, ADCS members have a clear vision for children's social care that sits central to and supports a wider ambition for children and families:
 - A multi-agency, whole system, strengths-based approach which is relentlessly focused on meeting the holistic needs of children and families as early as possible
 - The use of relational based practice that has foundations in restorative approaches, working alongside families to focus on their strengths and build resilience to effect positive change
 - Supporting families to meet the needs of children wherever possible so they can successfully live as a family unit
 - Where children need to come into care, they receive the best quality care as close to their home and community as possible and are supported into adult life.

7. The independent review presents an opportunity to deliver on this aspect of our ambition but all partners across the children's services system have a responsibility to come together to support the collective endeavour to create the right conditions for success, that really deliver for children and their families.
8. The review calls for a vision for children's social care, ADCS members believe this must go further. For too long, national policy for children and their families has been disparate and unambitious, with different elements led within individual government departments with little to no join up across the piece. This is not good enough for children. We need a holistic national vision for children and childhood that clearly states the collective ambition, underpinned by a coherent and strategic cross-departmental long-term plan and resources, providing the connectivity and commitment at the national level that delivers for children.

Helping families

9. The importance of children's social care as one element of a single children's services system where children and families receive help according to their needs, cannot be underestimated. The ability to step-up and step-down support seamlessly across the system to meet need is key.
10. Family help services are a critical part of the children's services system, statutory social work interventions are only part of the solution to rising numbers of children in care, support must come much earlier to prevent family breakdown. The community and voluntary sector is well placed to reach into certain communities and develop relationships to really make a difference to people's lives; they have a valuable contribution to make within a single system, as do other services such as public health. The case for change suggests a tension between protection and support, however these are parts of the same continuum, all needing to work in a relationship-based way, manage risk at different levels and be prepared to address concerns that arise. Family help services which offer support to families cannot be designed, commissioned and delivered in isolation from the wider continuum of services. Families' needs are not static, they fluctuate, and risk is dynamic. The system needs to be able to respond to that without delay and with as few 'hand-offs' as possible. Not one single family's distress would be ameliorated by a technocratic debate about structural reform.
11. Severing the relationship between family support and statutory protection services would add bureaucracy and further hurdles to the well-documented complexities of information-sharing. In many ways this is an old debate. Other parts of the public sector have tried this, we only need to look to the so-called Grayling Reforms in probation to see the consequences of the separation of lower-level support from more intensive interventions. The splitting of functions leads to episodic planning which is not in the best interests of children and families. As far as is possible, a family should have consistency of professional(s) working with them so they can build relationships and plan together long term, rather than focusing solely on immediate need.

12. The LA has a unique, democratically mandated, 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, despite having relatively few statutory levers, orchestrating them to work together in a single, coherent system which has at its heart, a shared vision for children's best interests.
13. Many children, families and care leavers have shown great strength and resilience throughout the pandemic. During this time, there was a small but important shift away from professionals solely delivering solutions and interventions to enabling parents to administer their own solutions, with a stronger role for families, communities and employers working in tandem with public services to achieve meaningful change for children and young people. Collectively, those in local and central government must progress the case for the value of family help and preventative approaches as part of one system to meet need. It is not only for local government to evidence that case; indeed, the 'Supporting Families' programme could be developed into an even more meaningful offer of family help to any family that needed it, and the vision for Family Hubs could bring that partnership work right to the heart of communities alongside NHS Future in Mind funding.
14. The principles of family help and prevention, in the context of a continuum of services, are exactly the right ones and there is a growing body of evidence of what works in this space when it is supported by appropriate investment. ADCS has called for a **comprehensive, all-age multi-agency prevention strategy**, attached to sustainable funding to enable all LAs to implement evidence-based prevention programmes that deliver improved outcomes for children and families. This should be supported by a strengthening of the DCS role, providing the levers to co-ordinate different government funding streams to ensure a truly co-ordinated family help offer.
15. If we are to approach the current concept of family help services from a different angle, with more social work expertise in this space, then some of **the limited social work resource currently available could be freed up to be redeveloped and used more creatively**. For example, roles such as those of independent reviewing officers and fostering social workers for long-term placements, as per the recommendations made in [Foster Care in England \(2018\)](#), could be considered to realise this. In parallel, we need to consider how we can **strengthen the multi-agency family help workforce** along with expectations around their responsibility to manage risk.

We need a child protection system that keeps children safe through more effective support and decisive action

16. Children have the right to be protected and families have a right to privacy, indeed these fundamental principles are enshrined in law. Children's services work directly in that grey area trying to strike the appropriate balance. Potential risks to a child in an unknown family can never be ignored but when families are known, living with managed risk and focusing on "doing with not to" families to provide support and deliver change is the day job. The case for change is intended to

focus on the challenges within the system, however, within this there must be recognition of the incredible work undertaken by social workers, and the wider workforce, on a daily basis. Social workers operate within a strict legislative framework and under intense scrutiny from many different angles. 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.

17. While the review takes the view that LAs over assess and under intervene, this is not the view of the regulator. Generally speaking, ILACS inspection reports do not say too many children are being scooped up into the system without good cause, at times it is quite the opposite. Assessment in and of itself is an intervention and a recalibration of the system to focus on the benefits of purposeful direct work with families and the change this can bring would be welcome. If we are to move to a system with less time spent assessing and more time in purposeful direct work, a new regulatory framework must underpin and support the culture change required. Long term child protection plans, for example, could be in the best interests of some children and enable families to stay together with very intensive support.
18. Government guidance, legislation and inspection all point to more state intervention not less. If the conclusion of the review is that LAs are moving too quickly to investigate, this must lead to open conversations about our (society's) appetite for risk and state intervention in family life.
19. LAs are already working to develop and deliver relationship, strengths-based practice underpinned by an understanding of the impact of trauma. This is as effective in child protection as it is in family help. **Relationship and strengths-based, trauma-informed practices** where professionals work with children and families to focus on their strengths and build resilience to effect change are having an impact. Supported by **reflective supervision**, which allows professionals the time and space to have thoughtful discussions about the work they are doing and the impact it is having, better outcomes can be seen. There is more to do and ADCS is committed to the continued development of the quality and expertise across the workforce, linked to evidence of what works for children and their families, while also strengthening capacity across the workforce to support the restorative approaches which work. To do this, we need the system conditions that provide the environment for effective practice to flourish, some of which are outlined in this response.
20. Children and families have told us that they want to be able to tell their story once and build trusted relationships with the professionals supporting them. Social workers need **manageable caseloads** to enable them to implement the relationship based, trauma informed practice that allows them to work with families in a supportive and safe way. There are other parts of the sector that prioritise caseloads: the Family Nurse Partnership license stipulates a maximum caseload so practitioners have the time and space to develop meaningful relationships. The evaluation of the Troubled Families Programme also highlighted the need for small enough caseloads to work effectively with the whole family for a longer duration.

21. It may help to **redefine what is and is not a social work task**, and where the wider workforce can step into some of the space which social work currently occupies. We should guard against jumping to conclusions that non-case holding social work roles add to a level of bureaucracy that is problematic. There are many critical social work roles that do not involve working directly with families, such as those in MASH teams, and those providing key professional supervision and support functions. The role of practice supervisor is also a key component to effective reflective practice. The **importance of record keeping** as a means of documenting a child's story, as opposed to feeding the performance management machinery, cannot be underestimated and all professionals need dedicated time for this. Care experienced young people and adults have told us how important their records are to them, providing an insight in their early life and supporting their self-identify long into their adulthood. Hertfordshire's Family Safeguarding model, funded by DfE Innovation Programme for roll out to a select number of LAs, involves investment in 'back office' infrastructure support, freeing up social workers to focus more of their time on maintaining relationships with families.
22. We must **celebrate the success of the profession** and make sure others do too, social workers should be held in high esteem for the work they do. More must be done to improve the supply and retention of qualified social workers. National government should also step up and engage in discussions to find a solution to the issue of the supply, cost and quality associated with agency social workers. A national solution has been implemented across the NHS, would this work here also?

Care must build rather than break relationships

23. We are committed to focusing on "is it good enough for my child?". Delivering on that commitment can be challenging but we seek to learn from children in care, care leavers and those with previous care experience. The role of corporate parent and the concept of 'partnership parenting' is central to providing the opportunities, support and nurture children need. Many young people who leave care do so with strong, loving relationships that will last a lifetime, unfortunately however, this is not always the case. There is wide consensus that relationships are key here, we need to create the right conditions to allow them to flourish and provide the foundation we know children need to propel them to succeed in later life, whatever that looks like for them. However, this cannot be limited to our work with children in care. Across everything we do as a system, we should be focused on building and supporting meaningful relationships for all of the children and young people we work with.
24. **Wherever possible, children should be supported to live with their parents.** Where this is not possible, we need to ensure that, where appropriate, children can remain successfully within their wider family or network in the least intrusive way possible and with the right kind of support. The focus should be on maximizing the opportunity for children in care to have meaningful relationships with people who will support them and help them manage those that can prove harmful. More support should be available to special guardians, both pre and post order and funding should be allocated to local authorities to help provide this. Kinship care, if well supported, has a strong track record in providing stability, reinforcing key

aspects of a child's identity, and delivering positive outcomes into adulthood. The state benefit system should fund such family arrangements, with local authorities continuing to meet any additional support needs via established universal services and needs assessment for more targeted support services, as is the case for all families.

25. For too long, adoption has been seen as the gold standard of permanence, yet it is just one means of securing permanence and stability for children in care. Other forms of permanence, including long-term fostering, special guardianship and kinship care, have not received the same policy attention or investment as adoption, even though these children generally have the same needs as those who are adopted from care. As the number of children who leave care via permanence arrangements (outside adoption) continues to rise, the policy lens must broaden and bring into view the importance of all avenues to permanence and the support needed.
26. It is not always possible for children to remain within their immediate or wider family and whilst by no means perfect, care can be and is the right place for some children. The value of foster carers and the support and training that enables them to offer the loving families that children need is crucial. For those who become care leavers, many are successfully supported into independent adult lives but there is more to do here, especially for those where the complexity of their lives, demonstrated in distressed behaviour means they need support for much longer than the current cut-off age. There is value and importance in exploring what an offer could look like to those who are care experienced and aged over 25. This could be a commitment from a local authority to stay connected for life, a relationship opportunity, supported by a consistent national offer of support which care experienced adults can rely on at any point in their lives.
27. As described by ADCS in [What is Care For? 2021](#), **a more flexible system of care is needed, one that is less binary** and allows for more permeable boundaries between home and a safe setting. A system that also supports birth families, backed by some form of legal status to allow for such 'part-time' or shared care arrangements; such a model has been widely used to support children with disabilities and their families. Alongside this **new frameworks and models of intervention to support adolescents particularly those at risk of, or exposed to, extra-familial harm, must be explored**. Care is not necessarily the right response for young people who are exposed to criminal and sexual exploitation, but it is one of the few tools available at present. Effective alternatives that involve parents and carers in finding the solution, where that is safe to do so, need to be explored.
28. The appetite for risk is particularly relevant in terms of the way we work with adolescents. The current child protection system was largely designed to protect children from harm within the home, not extra-familial risk. Practice continues to evolve in this area but it is clear that, in some circumstances, bringing young people into care can be a false reassurance as it suggests the state is better placed at keeping young people safe from extra-familial harm than their parents. As a system, we need to think again about how we use our resources to respond to adolescents and the risks they face, and how **families and professionals can be**

supported to live with appropriately managed risk. The police and criminal justice system have a central role to play here in holding exploiters to account. Greater powers of disruption and criminal justice responses may support them in their efforts.

29. Where it is right for an adolescent to come into care, their needs are least well served by the very binary construct of care. The care system in England is built largely on a 'family-based' model of care, with some small amounts of 'group care'. The case for change describes foster care as the bedrock of the system, but how can we create a system that meets the needs of a child or young person that can't live with a family full time in a 'family-based' model of care? How can we **develop fostering capacity** to have flexible offers to young people and provide alternative living arrangements that do not necessarily sever familial relationships? Consideration should also be given to the rate of children in care. Different countries vary significantly, with the UK at the lower end of international comparisons.
30. Creating more multi-agency services that provide **intensive support to children and families throughout a child's life** would allow teams of mixed professionals to work collaboratively with parents/ carers to support them to improve their parenting capacity (where this is necessary) in a way that reduces risk to their child(ren), maintains family relationships and helps to avoid a child coming into care. It would be interesting to explore how such 'lifelong' arrangements such as long-lasting child protection plans, could be used as a lever to secure support from partner agencies, in particular mental health services, to ensure an holistic response to a family's needs.

System factors

31. The 'Jenga blocks and Sellotape' metaphor employed in the report illustrates the ever-increasing volume of legislation, regulation, inspection and guidance which we must work with. ADCS has published a [children's services policy timeline](#) illustrating the 'Jenga blocks' of key events and changes that impact on safeguarding children and young people in England over the last decade. Each change or addition has been introduced as an incremental measure that addresses a particular issue or as part of a wider set of reforms, but the cumulative impact of this has resulted in an unwieldy, fractured and complex system that is difficult to navigate and needs to be simplified.
32. The complexity of the system is navigated at local level by the DCS and partners. Democratically elected local politicians also have a crucial role to play in leading and enabling investment in the local system for children and their families. The relationship between central and local government in driving forward improvements for children and families must be explored, including where accountability lies. It can often feel like progress is made despite national policies, rather than because of them. This is also true for other national partners whose greatest priority is not the needs of children, such as the National Health Service.
33. It is positive that the review recognises the need for more money to flow into the sector in order to meet the levels of need now evident in communities. It should

be noted that the vast majority of children's social care services are funded by local taxation (council tax). This means that, however much local leaders might want to spend more and do more with regards to children's social care, they can never spend more than the council tax cap (1.99% + 2% social care precept to be shared with adult services over the last few years) minus inflation. So, to put it simply, to spend more on one thing (children in care) means that local authorities have to spend less on other things (family help) unless they receive additional funding via central government. Local leaders are completely cognisant of the illogicality of this but the spending locks do not provide an alternative. Over the last decade, ADCS has been clear about the challenges facing children's services in the context of reduced funding, the scaling back of services and increased demand due to an increase in the wider societal determinants of family distress. As can be seen from the case for change, the spending profile in children's services has seen more funding channelled into statutory services, with spend on non-statutory services falling. It is no coincidence that as funding for early intervention has reduced, LAs have experienced a sustained increase in safeguarding and protection activity.

34. Preventive work to give children the best start in life and support families to stay together safely is the only way to make a meaningful difference in the lives of the most disadvantaged children and families and secure a sustainable fiscal future for local government. Through the work of the DfE Innovation Programme and What Works for Children's Social Care, there is evidence of the value of preventative programmes that focus on the needs of families and promote relationship-based interventions and support. DfE has funded the expansion of Family Safeguarding, Family Group Conferencing and No Wrong Door across a limited number of LAs because there is evidence that these approaches work. The piecemeal nature of the allocation and distribution of new funding has however, meant the benefits have been limited to a small number of areas. All local authorities should be **resourced to explore these ways of working** and where there is evidence of effectiveness, all resourced to implement such models.
35. ADCS has previously put forward a [series of national policy reforms](#) which would unlock significant savings which could be reinvested in preventative services and other current and future priorities, these include:
 - reform of the SEND legislation to include greater support for families to care for their children at home as well as inclusive education
 - capital funding to allow LAs to re-enter or further develop their in-house children's home offer to create provision which meets children's actual needs and reduces the reliance on the costly independent sector – DfE has recently initiated a bidding round for capital funding to support this aim but again, funding will be for the chosen few LAs who are successful in their bids
 - reform of legislation regarding 'for profit' children's homes and special schools
 - a review of the legislative framework underpinning home to school transport and travel support which forces local authorities to spend in excess of £1b per annum

- redirect the funding available for the National Citizenship Service (NCS) to local authorities to provide sustainable, long-term youth services within, and for the benefit of, local communities
- reform of some statutory requirements that take social workers away from front line delivery.

36. ADCS welcomes the review's recognition of the challenges in the 'market of care' and would support a pragmatic re-think. Fundamentally, ADCS members question if the provision of services for vulnerable children and families is a valid area of social policy where it is possible for private companies to generate significant profit. The current system is a placement monopsony whereby LAs are the only purchaser and due to demand, providers are able to pick and choose which referrals they accept and at what price. Introduction of **legislation which prevents for-profit operations or as a minimum caps the level of fees chargeable** in this area, bringing fostering and residential services in line with the arrangements for adoption services and also fostering in Scotland would be welcome. This would avert costs in the millions and would allow LAs to do some reinvestment to develop more in-house provision and earlier intensive support, closer to the communities in which children grow up.

37. While the cost of placements is deeply worrying and financially problematic, more importantly, ADCS questions if the current offers meet the needs of children today. The needs of children and young people have changed over recent years for example, increased complexity of mental health needs; identified special education need and disabilities; impact of exploitation etc. The 'market' has not developed provision in response to this and it is becoming increasingly difficult to secure placements which can actually meet the needs of some of the most vulnerable children and young people.

38. Demand for places in registered children's homes is outstripping supply, and homes are increasingly reluctant to accept children with highly complex needs, particularly at short notice or in a crisis situation, for fear of jeopardising their Ofsted rating. This is particularly true for the cohort of young people on the edge of hospitalisation, criminalisation or a welfare secure placement who are not well served by existing frameworks or provision. The inspection framework must recognise the increasing level of risk which LAs are managing in the community, and enable providers to replicate this in their practice working directly with young people. ADCS members believe a **change in the regulatory framework** to make it more flexible to respond to children's needs is essential. Registering providers to provide services rather than registering physical settings, similar to the approach taken in fostering and adoption, could provide some of the flexibility needed to allow LAs to tailor the care and support around the individual needs of children and young people, particularly those with such complex needs. A number of LAs are exploring the development of **new care models that bring together social care and health services to meet the therapeutic needs of children and young people** as close to their home as possible, however more needs to be done to make this a reality. Rapid, flexible and even multi-agency care is needed for individual children that wraps around them and is regulated by the outcomes it delivers not the building it is based in.

39. Despite longstanding and ongoing discussions about the needs of children across the children's social care, mental health and youth custody secure estate, the three systems continue to be separately commissioned, have separate legislative frameworks and are the responsibility of different government departments. Yet it is clear that children who are in secure placements of any type have similar complex and overlapping needs. The case for change is strong on the systematic failings here and ADCS agrees with this. The solutions cannot be found locally, national action is needed. The DfE, MoJ and DHSC should come together to **jointly commission secure services** for young people which can address their mental health and welfare needs; the current lack of join up and integration hampers the ongoing work with this vulnerable group of children.
40. Children and young people continue to experience challenges in accessing mental health and emotional wellbeing services. This is partly due to significant variations across CCGs with regard to spend, waiting times, percentage of children accessing treatment, and the percentage whose referrals are closed before accessing treatment. It is also a result of health partners drawing distinctions between children and young people's emotional and behavioural needs and their diagnosable mental health condition in order to gatekeep access to rationed CAMHS services as illustrated by a number of cases in the High Court. We need to move away from a strict medical model, take more shared responsibility and provide support for all children who are experiencing mental health and emotional wellbeing difficulties.
41. As the review enters its next stage, it must be cognisant of the pressures across the family justice system and the role of the judiciary and CAF/CASS in shaping behaviours. ADCS recently took part in the President of the Family Division's Public Law Working Group which produced a final report along with a series of recommendations and resources to support improvement across the system. However, it is clear, after the events of the last 18 months, that more fundamental reform is required.
42. As systems leaders responsible for outcomes for children across a place, **directors of children's services need increased leverage over services for children** that sit outside of their immediate remit but are a critical component to supporting children and young people, such as signing off partner plans for the commissioning of CAMHS. The Children Act 2004 is clear that providing effective help and protection to vulnerable children and families cannot be a single agency endeavour; it requires a multi-agency response from frontline referral through to child protection measures. The 2004 Act therefore positioned the DCS as the lead orchestrator of multi-agency partnerships, establishing a shared vision and shared values across a wide range of professionals working in concert for the benefit of children and families across place. ADCS would contend that the role of the DCS as system leader and champion for children should be strengthened not ghettoised if we are to achieve our collective ambition of creating a country that works for all children.