

29 December 2015

## **ADCS submission to the independent call for evidence on children's residential care**

1. The Association of Directors of Children's Services Ltd (ADCS) welcomes the opportunity to provide a submission to support the current review of children's residential care. ADCS is the professional association for directors of children's services (DCS) and their senior management teams. Under the provisions of the Children Act 2004, the DCS is the chief officer responsible for the discharge of local authority functions with regard to education and children's social care and champion for children across wider children's services.
2. ADCS members welcomed the helpful discussion recently held with Sir Martin to inform the review and prior to this, submitted a number of documents to the review team as background information. As such, this ADCS submission provides an overview of the key points raised with Sir Martin and does not address all of the issues covered by the additional documents already submitted.
3. Residential care is a subject which has been considered at length several times over recent years, however there has been little reform in this area of provision as a result. There has been a legacy of failure to act on the recommendations of reviews and research, and ADCS members are hopeful that the review being undertaken by Sir Martin will result in meaningful change which will positively impact on the lives of children in care.
4. Residential care plays an important role in the spectrum of care options and for some children and young people, residential care can best meet their needs. There is a perception that residential care is a placement of last resort however, this service is a vital part of the wider care system and provides intensive support to some of our most complex and vulnerable children and young people. It is for this reason that ADCS members strongly believe that all residential settings for children in care under the age of 18 should be both registered and regulated. ADCS is particularly concerned about unregistered settings, as they are often established in areas of inexpensive housing where communities may be experiencing additional socioeconomic challenges. Local authorities are not always aware of the presence of these homes in their area and young people placed in these settings may not access all of the services and support available to them.
5. The proportion of children placed in a residential care settings outside of their home local authority area has increased. Practice and notification processes, in both local authorities and independent children's homes, could be further strengthened to ensure 'host' local authorities are aware of all out of area placements made within their geographical area.
6. In areas where property costs are high, local authorities are focusing on building foster care capacity, including specialist foster care services as an alternative to residential care, e.g. York City Council are working in collaboration with St John's University to develop a foundation degree for foster carers. As foster carers become increasingly professionalised and develop their knowledge and skills to work with more complex young people, it may be the appropriate time to move more towards fostering as a salaried career. This also needs to be considered in the wider context of those foster carers who offer Staying Put placements as, under the present system, they receive a significant drop in allowances when continuing to support young people over the age of 18.
7. It is important that residential care is viewed as part of a continuum of care, rather than an end point in itself. The need for flexible care options to ensure young people have the appropriate level of support as and when needed is critical. This could encompass step up and step down placements (pre and post residential care) to provide graduated support to young people in an attempt to

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address the escalation of risky behaviour. Part time care also has a role to play in supporting families and foster carers to prevent a crisis in the family home or the breakdown of a placement. A number of local authorities have developed such respite and 'edge of care' services and report positive results.

8. Placements can sometimes be viewed as a positive outcome in themselves, rather than being clear about the desired intervention, progress and impact. Local authorities could further develop their commissioning practice and the contract management of placements to ensure the required outcomes are delivered. There are some good examples of collaborative regional/ sub-regional commissioning arrangements.
9. Due to continuing concerns around the sustainability of the country's secure estate, ADCS has been engaging with the Department for Education (DfE), the Youth Justice Board (YJB) and providers of secure children's homes in a review of the welfare secure market in order to bring about greater stability. Local authorities are experiencing increased difficulties in finding secure welfare placements for the most vulnerable young people. The spike in need for welfare secure services may be an unintended consequence of the otherwise welcome reduction in the numbers of children and young people in the youth justice system. Nevertheless, the recent cuts to YJB funding and the reduction in block purchasing of secure beds risks further destabilising the market and increasing the risk to the limited number of providers. It is essential a national solution to this issue is brokered urgently so the capacity within the system is not further reduced. The formation of a central brokerage unit to coordinate all welfare, justice and, in time, Tier 4 CAMHS placements is the Association's preferred outcome however this work is still ongoing. In the interests of speed, ADCS has suggested that the YJB undertakes this function at least for an interim period.
10. There are 14 secure children's homes in England, of which 13 are owned and run by local authorities. As a result of capacity issues within the system, finding a secure placement can take several weeks. During this period, local authorities attempt to manage internal and external risks by implementing a variety of short-term measures, this might include placing the young person far away from home in a rural setting or in an unregulated 16+ setting with increased staffing ratios. There are also capacity issues in Tier 4 CAMHS services yet these settings are sometimes used as an alternative solution to secure welfare, further exacerbating this issue. The short-term measures described above are also used for periods of time to support young people with significant mental health problems when a Tier 4 CAMHS placement is not available.
11. ADCS members have welcomed the Staying Put scheme for young people leaving foster care, however this has created an inequality in the care system for those over 18. Often, some of our most vulnerable young people in the care of local authorities live in residential care homes and the support available to them when they leave must be flexible and responsive, based on their maturity and readiness for independence rather than reaching a particular age milestone. ADCS members strongly believe that Staying Put should be extended to young people in residential care and be fully funded by central government as a new burden. While acknowledging the complexity of this, more broadly ADCS members believe the leaving care age should be raised to 21.
12. Staying Put is absolutely the right thing to do for our most vulnerable children and young people however consideration needs to be given to the impact this may have on the care system as a whole. New and innovative models of care and support, with a focus on building independence for young people would need to be developed and it is likely capital investment would be required to achieve this.
13. In the 2013 report, *Making not Breaking*, the Care Inquiry stated "*it is clear that we need a care system that places at its heart the quality and continuity of relationships, and that promotes and enhances the ability of those who are important to children – care givers and others – to provide the care and support they need*". Given relationships are so intrinsic to improving outcomes for young people in care, it is concerning that residential care staff are not afforded the status and rewards their critical role should receive. The workforce must be equipped with the knowledge and skills to

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have a real impact on the lives of children in care, and be rewarded with appropriate remuneration and opportunities for continuous professional development. The sector is leading the way in addressing this, developing an apprenticeship for the role of children, young people and families practitioner with an option to specialise in children's residential care. Strong leadership and management is also key to a home's success and ADCS members will be interested in the results of the DfE commissioned research into the implementation and impact of the new Children's Homes Regulations, with a particular focus on leadership and management, that is currently underway.

14. The relationships children in care develop with other professionals will also be key to improving outcomes. Children in care can experience a rotating group of health professionals who are involved in assessing their health and wellbeing and would benefit from a named 'case holding' health worker. This would provide a level of consistency for young people and allow them to build relationships, enabling the early identification of health needs and appropriate referrals to tier two services.
15. It is important the role of residential care features strongly within social work training to ensure future social workers fully understand the role it plays within the care system along with their role in the commissioning and placement process, e.g. placement planning, and identifying and describing presenting needs, along with a young person's strengths and weaknesses. At the end of the assessed and supported year in employment, newly qualified social workers will be assessed against the DfE's knowledge and skills statement (KSS) for child and family social work therefore it is disappointing that the KSS does not directly reference residential care. The wider social work reform agenda should incorporate issues around residential care to ensure experienced social workers are able to identify those cases where foster care is not appropriate and other forms of intensive support, such as residential care, are needed.
16. The recently revised Ofsted inspection framework for children's homes is risk averse and does not encourage providers to work with our most challenging and complex young people due to fear of a negative impact on the grading of a home. The framework is based on the premise that children in care should achieve the same outcomes as their peers, without acknowledging the impact of neglect and trauma which many young people have experienced prior to coming into care. The educational achievement of children in care has recently been the subject of research undertaken by the Rees Centre and Bristol University. *The Educational Progress of Looked After Children in England: Linking Care and Educational Data* (Rees Centre, 2015) shows that the relationship between being in care and poor educational outcomes is explained, in part, by the trauma of pre-care experiences of children and young people, such as poverty, maltreatment and neglect.
17. ADCS members believe that the risk averse culture many residential care homes have adopted in relation to accepting complex and challenging young people is an unintended consequence of the current inspection regime and a direct result of the four grade single word judgement. As a result of this, local authorities can find it extremely difficult to place our most vulnerable young people in an outstanding or good home, as care homes have the discretion to pick who they offer placements to. Where providers feel a young person's behaviour is at risk of jeopardising their Ofsted grading, it is not unknown for notice to be served on the placement. To clarify, local authorities would not end a young person's placement on the grounds of affordability. In emergency situations where a placement has broken down, local authorities may have no choice other than to place some of our most vulnerable children and young people in homes which Ofsted consider to be less than good.
18. Linked to homes' risk aversion is their lack of discretion in calling the police over minor issues and therefore criminalising young people. The police have discretion as to whether or not to record anti-social behaviour as a crime in a school setting, this discretion should also be encouraged in residential settings therefore engendering a restorative justice approach. Homes could pay for a dedicated police officer to work with young people in a restorative justice way, in line with the safer schools model.

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19. Any inspection regime for children's residential care must acknowledge the quality of work undertaken with young people and the progress made, recognising that measures of success may differ for each young person. The complexities of residential care and the work being undertaken with young people can only ever be adequately reflected by providing a narrative judgement. Graded, single word judgements are driving perverse and defensive behaviour and do not adequately reflect the work being undertaken with children and young people, they should be abandoned and replaced with narrative judgements.
20. The regulation and inspection framework across children's services is changing and is unsustainable. The demands on Ofsted are increasing: the possibility of registration and inspection of supplementary schools and the interest in elective home education, in addition to the new SEND inspections, Single Assessment Framework and the inspection of schools. The inspection of children's centres has been paused and should not be reinstated, further consideration is also needed on the best way to quality assure services available as a result of the SEND reforms. The role of registration, regulation and inspection across the wider children's services system must be considered further and all residential settings for children and young people should be central to this.
21. ADCS would welcome the opportunity to discuss further with Sir Martin any of the issues raised as part of this submission. For further information, please contact Esther Kavanagh Dixon, Policy Officer, [esther@adcs.org.uk](mailto:esther@adcs.org.uk).

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