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ADCS response to the **Stable Homes, Built on Love: Strategy and Consultation**

1. Introduction

- 1.1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the *Children Act (2004)*. The DCS acts as a single point of 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 formally to this important consultation by the Department for Education (DfE).
- 1.2. ADCS members are ambitious for children, young people and families and have engaged with the *Independent Review of Children's Social Care* from its launch in early 2021 through to the publication of its final report in spring 2022 and DfE's response and accompanying implementation plan in early 2023. There are many welcome changes and developments in the strategy but a number of proposals require further consideration to be sure that the desired impact and outcomes are achieved and that they do not, however well-meaningly, add to the already considerable challenges facing children, young people and families and the public services that support them.
- 1.3. The ambitions DCSs hold for children, young people and families are not limited to social care functions, we have broader ambitions reflecting the interdependencies in the system and the realities of children and young people's daily lives. Local authority (LA) children's services support tens of thousands of children and families each day by keeping them safe from harm and promoting their wellbeing. We hope these reforms will allow us to improve the system by building upon the areas of strength that the strategy identifies to address the challenges that stand in the way of improving outcomes for children and families; drawing schools closer to multi-agency safeguarding arrangements is a positive step, we also need to ensure health services are more accountable for the outcomes they achieve. ADCS wants to work with the government, and others, to realise change.
- 1.4. The current financial context for LAs is challenging and the level of funding to support the reform programme beyond the next two years remains unclear. Getting change right for children requires long term, equitable and sustainable resourcing. It is also the case that more and more families are in distress and reaching crisis point requiring our help and support. Activity across all domains of children's social care, from initial contacts at the front door, referrals, children in need (CiN) to child protection plans and numbers of children in care have risen across the last decade or so but funding from central government has not kept pace with this reality.
- 1.5. The independent review identified the need for £2.6 billion of investment to support this change programme, £200 million will be available to test aspects of reforms over the next two years, meaning the majority of LAs, children and families may not feel any real benefits for some years to come. There is no doubt that central government will need to create a financial bridge for many LAs

between now, nationwide rollout and the realisation of anticipated impact on levels of need, demand and related costs. We will also need the support of DfE to help create the conditions for success.

- 1.6. Welcome action on the dysfunctional social work agency market is already in train but we need national support to develop new placements for children in care in the right places in tandem with action on profiteering from the care of vulnerable children. Without this, we cannot break the cycle of crisis spending. There is also a view in both the independent review and in the implementation plan that the proposed reforms will be self-funding, whilst this may be true some years down the line, a period of double funding will be needed to support transformation. It is also the case that due to the financial position of many LAs, significant cuts to early help services are taking place now, with more planned to take place in the medium term. By the time the pilots and pathfinders have been evaluated there will be significantly less of this offer to build upon, underlining the need for an equitable funding settlement for all.
- 1.7. In recent weeks ADCS has held a series of consultation events with our members to consider the reforms and proposals set out in each chapter. The feedback from each of these meetings informs the substance of this response.

2. Family Help provides the right support at the right time (pillar one)

- 2.1. ADCS members welcome the attention on early help and support for children, young people and families, which has waxed and waned in recent years, as has funding. The focus on strengths and relationship-based working is also welcome and reflects the direction of travel in local practice in recent years.
- 2.2. The shift towards family help offers opportunities to reinvigorate these services and to both recognise and develop the wider children's services workforce. Although the early help workforce has been overlooked for some years in national policy terms, most LAs have invested in local training and development programmes, including apprenticeships. It will be important to better understand this varied workforce across the country to inform the selection criteria of pathfinder areas as well as the development of a new Knowledge and Skills Statement (KSS).
- 2.3. Family support workers in some LAs have already successfully held CiN cases under the supervision of qualified social workers for some time, so there is existing learning and experiences to draw on in the development of the proposed pathfinders. In particular, the Early Career Framework (ECF) will need to identify the distinct role of social workers in family help services. There is also a greater emphasis required on the managerial task – it will be important to understand from the outset who has oversight of what, who makes decisions and when, particularly when dynamic risks are being held by a varied and potentially multi-disciplinary workforce.
- 2.4. The envisaged shift to family help might help LAs to better maintain consistent relationships with families via a single key worker, but further discussion is needed about the criteria and mechanism for escalation to a social worker and/or child protection lead practitioner, along with the tricky issue of consent, which is the basis of pre-statutory work with children and families. It will be important to involve Ofsted, and other relevant inspectorates, from the outset in threshold discussions and process changes. A flexible, permeable approach to thresholds

will be needed and careful thought about matters of consent; if a family engages with family help support, we must be clear at what point their explicit consent is needed if needs and/or risks determine a more intensive intervention is required.

- 2.5. ADCS members also felt that careful thought is needed about the point at which our focus shifts from the family to an absolute focus on the individual child and their welfare. LAs are regularly challenged by both the inspectorate and the family courts about over optimism in the capacity of parents and carers to change as well as drift and delay in decision making. It is right to seek solutions within families and to sustain them where possible where it is in the child's best interests to do so, but their needs and rights must remain at the heart of everything that we do.
- 2.6. The shift to family help is not without risk. Realising truly multi-agency, multi-disciplinary family help teams in practice when other agencies have their own priorities, guidance and budgetary constraints and are working to different legislative and regulatory frameworks is no small ask. The full buy in and support of all relevant government departments and agencies is needed as are levers to realise the full benefits of family help.
- 2.7. Anchoring family help plans in the duty to cooperate set out in Section 10 of *Children Act 2004* rather than Section 17 of the *Children Act 1989* would send a clear statement of intent out to the system. A clearer articulation of the role of partners is needed in the final implementation plan, family help as currently written could allow partners to infer that LAs and children's trusts are filling the early help space in a way that allows them to retreat given the funding and demand pressures across all public services. This will be to the detriment of children and will not provide the additional, early family support that is needed to make a difference.
- 2.8. We must also consider the role of the voluntary and community sector and find ways of creating meaningful links to relevant reform programmes and projects including family hubs, the Supporting Families Programme and the ongoing Integrated Care Systems / Partnerships / Boards changes in health. Family help developments may help us to address ongoing challenges around a framework for multi-agency collaboration as well as information sharing.
- 2.9. In terms of the arrangement of family help services in, or close to, the communities they serve, children's social care is long used to locality working. The independent review conceived of family help as a community-based service akin to a GP surgery, with low stigma and a strong connection to the communities and populations served. In discussions amongst ADCS members there is broad support for the aim but some practical challenges were raised, including: identifying suitable physical locations, accessibility in rural or sparsely populated areas and the additional complexities in localities with a children's trust and/or alternative delivery model (ADM), as what are currently known as early help services could sit with the LA and children's social care in the trust or ADM. Again, these factors could usefully play into the selection criteria for pilots and pathfinders. The co-location and different configurations of child protection services vis a vis family help is an area DCSs felt should be carefully tested, with no 'one size fits all' option being a pre-requisite for a pathfinder.
- 2.10. We are pleased the DfE is taking a 'test and learn' approach to implementation. It is important for the sector to have the space to explore what works and, crucially,

take the time to pause and re-evaluate where things do not work as intended. It is equally important that the proposed Families First for Children Pathfinders are evenly spread across the country, with at least one in each of the nine English regions. Early and strong links should be made with established Regional Improvement and Innovation Alliances (RIIAs) to allow a community of practice to support and learn from pathfinders and enable better readiness across the country to realise the full suite of reforms once additional funding is unlocked in the next spending review period.

- 2.11. Although new legislation is unlikely in this parliamentary session, some regulatory flexibilities could be required in order to realise the vision of family help, such as the Section 17 case holding discussion already underway between ADCS and the DfE. Other flexibilities could be considered, including the use of independent reviewing officers (IROs) in different or more targeted ways. Similarly, the implementation strategy encourages all LAs to start moving towards new ways of working, it would be helpful to know if any flexibilities offered to various pilot areas could be made more widely available to support these aims. Again, the early involvement of Ofsted here, and any other relevant inspectorates, plus DfE assurances will be important to ensure that involvement in a national pilot or pathfinder, and any related variation in service arrangements or delivery, can be appropriately considered in inspection activity.
- 2.12. The Covid-19 pandemic simultaneously exposed and heightened the impact of stark societal inequalities. Sadly, daily life is desperately challenging for an increasing number of children and families who are experiencing a cost of living crisis and the impact of record inflation which are further compounding entrenched inequalities. The opportunity to 'build back better' and tackle the challenges, inequalities and structural barriers many children and families face, particularly those from the most deprived areas and from Black and minoritised communities, head on is at risk of being lost.
- 2.13. Whilst there was some welcome focus on racial inequalities and deprivation in the implementation strategy, further attention and faster action is needed here given what we know about intersectionality. One in three children currently live in poverty and there is now an accepted contributory causal relationship between inequalities and children's social care activity (Bywaters et al, various). Social workers signposting families to sources of emergency funds or foodbanks can only ever offer short term relief, not a long-term solution.
- 2.14. We need to act on the root causes of poverty; children's services are filling gaps in the welfare, housing and immigration systems system via Section 17 duties, buying school uniforms, beds and even carpets for families at risk of destitution, including a growing number with no recourse to public funds due to delayed decision making about their immigration status. Access to housing, including the quality and escalating costs, are increasingly issues for the families we work with which is impacting on family functioning and contributing to poor health and family stress e.g. parental conflict and domestic abuse. It is also the case that the government spends hundreds of millions of pounds every year mitigating the impact of poverty on children's lives and educational outcomes, including Pupil Premium, free school meals and the Holiday Activities Fund.
- 2.15. ADCS reiterates our previous calls for a child poverty reduction strategy for England and a comprehensive, cross-departmental national plan for childhood. ADCS members believe that failure to address child poverty will undermine the

success of these reforms and continue to blight children's outcomes and life chances.

3. A decisive multi-agency system (pillar two)

Improving how frontline child protection happens

- 3.1. The creation of a child protection lead practitioner role is the central reform proposal to improve child protection social work. ADCS members understand the imperatives behind this but are concerned about inadvertently creating a two-tier children and family social work workforce. Anecdotal evidence from DCSs from initial discussions with their social workers suggest concerns about the high stakes nature of such a role, particularly if a tragedy sadly occurs. It is also the case that we have a relatively young cohort of social workers working in child protection, so if five plus years of experience are needed, as early plans for the ECF indicate, we may struggle to fill these roles in the medium term. High end child protection work is hard to sustain over long periods of time, it is emotionally taxing and there are few guarantees it will result in practitioners staying in frontline practice.
- 3.2. It is already difficult to retain practitioners in direct practice roles with families beyond five years as many seek less intensive and stressful roles. An absolute focus on investigation is likely to add to already considerable retention and burn out challenges. A strong supervision and support offer should be designed into the role from the outset, if taken forward, to contribute to workforce wellbeing and stability for children and families. We also need a keen focus on what will attract people to be child and family social workers in the future, meaningful and direct work with children and families, development opportunities and a clear route of progression should feature highly.
- 3.3. Without careful thought and framing, the child protection lead practitioner role risks segregating aspects of practice, at worst becoming an investigating social worker role, which could run counter to the relationship-based, family first aims expressed throughout the implementation strategy. It may also disempower other social workers in the system and be counterproductive in terms of skills development and ownership of the risk of harm present in a family. ADCS members also noted that the implementation plan does not yet explore in detail the interface with family help workers, nor practical arrangements, such as who will lead on, and be responsible for, the change work with the family post-assessment. Assessments are skilled pieces of work but our understanding of family dynamics, their areas of challenge and strengths grow over time, along with trust. ADCS members were clear that thresholds around the use of child protection lead practitioners should be locally determined, contingent upon a range of local factors, including workforce profile.
- 3.4. One of the rationales for the creation of family help was to address the number of hand-offs between teams as a family moves up, and indeed down, the continuum of risk but this perennial issue could remain in this model. It is not sufficiently clear from the implementation plan how the DfE envisages this working in practice. If the child protection lead practitioner largely focuses on the provision of advice and supervision to the family support worker, and working alongside them, rather than direct case holding or doing assessments, then this may address these concerns. Escalation may break the burgeoning relationship between

family support worker and the family, particularly if it sits in what is currently the early help space. It is understood that these will be critical areas which require testing and learning in pathfinder areas.

- 3.5. On responding to extra familial harms, practice continues to move ahead of policy at pace and many LAs and partnerships have developed new and different pathways or responses to harms outside the home. Whilst the pilot referred to is welcome, it is small scale and the independent review was clear that there is an urgent need to review both practice and policy responses; children are receiving different responses from different parts of the system resulting in gaps and confusion.
- 3.6. There is broader learning to draw on here, and from national projects and programmes, such as the Tackling Child Exploitation Programme. Closer working between government departments, agencies and other grant giving bodies, such as the Youth Endowment Fund, plus better coordination of small pots of time-limited funding is urgently needed but not yet sufficiently addressed in the implementation strategy. A clearer articulation of the role and expectations of partners is similarly needed. Governance and the ability to lever resources and behaviour change from statutory partners will be crucial, this is also an area that needs to be further developed and tested.
- 3.7. The prevalence of online harms and digitally enabled grooming, abuse and exploitation is growing, with a single perpetrator posing a risk to multiple, sometimes hundreds, of children, this is not yet meaningfully addressed in the implementation plan. ADCS members are keen to use this opportunity to take stock and think about how to use the reform programme to improve our readiness to respond to both existing and future harms, which are likely to have a technological element to them.
- 3.8. The independent review's concerns about the safety and wellbeing of children in custody and the suitability of the largest custodial settings have not yet been meaningfully addressed in the implementation strategy. ADCS is clear, this group of children is amongst the most vulnerable cohort in the care of the state. Their offending status can mask complex and overlapping needs, from earlier abuses and neglect to traumas, such bereavement. There are dozens of reviews and reports and hundreds of recommendations for change to draw on.
- 3.9. ADCS reiterates previous calls for the YJB to move under the remit of the DfE to strengthen its monitoring and scrutiny functions. We believe this may take us closer to the 'Child First' aims that have been articulated for the youth justice system. Similarly, there are growing numbers of children and young people being drawn into more coercive aspects of state oversight, such as deprivation of liberty (DoLs). ADCS has been consistently raising concerns over the last 12 – 18 months about the failures and gaps in the existing placement market and the children's mental health system, see below.
- 3.10. Again, the DfE proposes further research to understand 'what works' in involving parents, and children, in children's social care. ADCS members were of the view that there is already a strong body of evidence and many local areas will be able to share their work in this space, so we could move more quickly here.

Stronger multi-agency working

- 3.11. Information sharing remains an ongoing challenge for multi-agency safeguarding partnerships, whilst there is the will, practice and processes do not always follow. Localised procedures and agreements are in place in many partnerships but technological barriers, uncertainty about different and seemingly conflicting legislation, outdated guidance as well as different organisational cultures and regulatory frameworks can be a barrier. DCSs have observed that the biggest steps forward in information sharing have come about via the co-location of services, such as MASH and youth justice services. The revision of existing guidance and the development of a new information sharing strategy presents an opportunity to clarify the lawful basis of sharing information and the permission to share debate which presents persistent challenges at both operational and strategic levels. ADCS would welcome early and ongoing engagement with DfE on this matter.
- 3.12. ADCS members were broadly positive about the quality of referrals received from schools and health visitors, generally these were proportionate and quality assured – in most cases a school referral will come from a designated safeguarding lead who has built up knowledge and experience over time. However, at times, some partners were less considered in their referrals, sharing details of all contacts with children without any consideration of risk assessment, this was particularly evident following challenging inspection results. ADCS members are clear that this is an unhelpful practice and has the potential to overwhelm local safeguarding systems. Working Together guidance has long included a duty to sharing information for safeguarding purposes, ADCS members were of the view that the forthcoming refresh of this guidance should pay more attention to compliance with this important duty.
- 3.13. ADCS members support moves to make schools the fourth safeguarding partner. Education settings, whether early years, school-age, alternative provision or post-16, play a vital role in supporting children and young people and identifying when more intensive help and support is needed. A clearer articulation of expectations would help partners consider and develop the right arrangements locally. It is important to make clear that schools will have the same responsibilities as the three existing statutory safeguarding partners.
- 3.14. There are some not insignificant challenges to navigate here given the reforms to the schools system over the last decade or so meaning identification of a single accountable individual in the local education system to be named alongside senior leaders in the police, health and LA remains difficult. In practice, it is likely that multiple representatives will be required to have a comprehensive view of the system, this could be underwritten by a local area partnership agreement that endorses the representatives for the education system, otherwise it will only ever be partially representative. Without this agreement, ADCS members fear this may contribute further to a sense of fragmentation. The government could act to enable local schools forums to make a contribution to the partnership via the dedicated schools grant.
- 3.15. ADCS members were disappointed that that the issue of funding multi-agency work has not been addressed in the implementation plan following the same omission arising from the *Children and Social Work Act 2017*. 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. The 2004 Act positioned the DCS as the lead orchestrator of multi-agency partnerships, establishing a shared vision and values across a wide range of professionals in concert for the benefit of children and families in the local area. ADCS would contend that the role of the DCS should be strengthened in this regard. It is also the case that LAs continue to provide the majority of funding for the existing safeguarding partnership and typically host and employ support staff; setting clearer guidance on financial contributions may assist with greater ownership and buy-in.

- 3.16. On proposed plans for an operational group that sits below the local multi-agency partnership level, many local areas currently have a similar 'doing' forum. It is less helpful for the DfE to tightly prescribe who is needed around the table and more important to clearly articulate a vision for multi-agency working, in conjunction with the Home Office, Department of Health & Social Care plus any other relevant departments and agencies, including co-location, alignment of services and the necessary leverage to make this happen. Strategic and operational roles seem somewhat muddled in present thinking.

The family courts

- 3.17. Latest data show that there are currently over 100,000 children and young people involved in proceedings in the family courts, approx. 25,000 are involved in public law proceedings. The pandemic significantly exacerbated an already worsening picture in terms of backlogs and delays in the courts. The measures included in the implementation plan are not commensurate with the level of risk in the system. ADCS members broadly support the recent restatement of the 26-week timeliness target by the President of the Family Division, noting we have successfully acted on delay in the past. There was also a view that our experience of the Public Law Outline shows us that the circumstances of some families are so complex, that more time is needed in pre-proceedings, so going forward we should be more nuanced. The families we are working with at present have a range of complex and overlapping needs as opportunities to identify concerns or offer support earlier were disrupted or lost entirely to the pandemic.

4. Unlocking the potential of family networks (pillar three)

- 4.1. There was broad support for the positive recognition of family networks, family and friends and kinship care in the implementation plan amongst ADCS members. However, it is important to note that the involvement of children's social care in brokering or supporting informal family arrangements hitherto arranged without the intervention of the state, financially or otherwise, could be viewed as an intrusion into family life. Proposals in the implementation strategy could significantly increase the number of families LAs are engaging with and as such, create a significant new resource requirement for LAs.
- 4.2. The implementation plan commits to exploring the case for mandating funds for all child arrangement orders (CAOs) and special guardianship orders (SGOs). ADCS would welcome early and ongoing engagement in the DfE's exploratory work on the financial case for this change and the associated new burdens assessment, including the need for monitoring and reviews of eligibility. ADCS supports the aim of the wider provision of financial support to these arrangements, which is currently discretionary. Many LAs do provide some financial support to special guardians but packages vary based on family

circumstances and the child's needs, with private CAOs and SGOs less likely to receive financial support from the LA.

- 4.3. It is difficult to estimate the financial implications of these proposals or the additional resources LAs will require to operationalise this. If funding for such arrangements is to go via children's services, the associated responsibilities and accountabilities must be clearly defined. It could result in large numbers of families being assessed and held open on our systems, even if there are no identified or ongoing help and support requirements. Rooting payments via the welfare system and a 'child benefit plus' approach allows funding to be attached to the child and carries less stigma than involvement with children's social care. The cost of administering payments will be significant and are likely to be accompanied by a review function, which could be open to legal challenge, as well as audit and assurance requirements.
- 4.4. There was broad support for the draft definition of kinship care included in the implementation strategy and the development of a national kinship care strategy. In order to better support family networks and a 'family first' culture, there were some common threads or themes in feedback beyond the provision of financial assistance, including the buy in and support of partners e.g. mental health services, and cross-government sign up and ownership to the plans set out in the implementation strategy, which at present is primarily focused on LAs and the DfE. Additionally, the implementation plan does not yet include a clear longer term support offer to kinship families, an adoption support fund style commitment might usefully be considered to prevent arrangements breaking down.
- 4.5. The independent review envisaged the use of Family Network Support Packages (or plans) to support shared care options for adolescents. It is not clear from the implementation strategy if this is being explored or how it will work in practice in terms of the involvement of the courts, whether there are any time parameters on package durations etc. Housing is likely to be a very significant issue here and solutions are not easily in the gift of children's services, or the DfE.
- 4.6. ADCS members felt the implementation plan seemed to place too much emphasis on the provision of funds and not enough on wider and ongoing support for family networks to care for children. A more comprehensive offer is needed in terms of training, skills, mentoring. There may be a role here for the voluntary sector to provide kinship support in an area, potentially drawing on models of support to adoptive carers. The active and ongoing buy-in and support of other partner agencies e.g. health and schools is also necessary. This is particularly the case where there is not a strong or existing relationship to build on between the child and their new carer from the family network. There is a strong link here to the work that was initiated in the Education White Paper and SEND Green Paper with regards to inclusive schools and this needs to remain a focus both nationally and locally.
- 4.7. There was broad support expressed in ADCS consultation events for greater use of family-based decision making as a foundational principle of the system. This approach is currently deployed at different points in the continuum of children's social care activity and in different guises depending on the needs of the child and family. Use of a family circle at an early help stage will necessarily look different to a family group conference, or similar, in the pre-proceedings space. ADCS members were concerned that DfE prescription around the timing and point of use of a family-based meeting could risk escalating concerns or

difficulties. Further consideration must also be given to proportionality of interventions and matters of consent, particularly in the family help space; the LA circumventing the wishes of parents may further strain burgeoning relationships.

- 4.8. A purist family group conferencing model with an independent chair can be helpful but it was felt that facilitating family decision making meetings should be a core skill for social workers rather than confined to specialist roles. There is a link to be made here with the ECF from the outset.
- 4.9. The implementation plan proposes further testing and research into the efficacy and use of family-based decision making via the proposed pathfinders, ADCS members are of the view that there is already a sufficient body of evidence in this space along with good practice to draw on. This is an area where we could move faster and be more ambitious with timelines.
- 4.10. The implementation plan suggests that children do not necessarily need to come into care to be cared for by their wider family network nor must the wider family network have to become foster carers in order to access support. How to practically support children and young people in different ways is not explored in any detail and there are many different considerations, opportunities and risks to be tested. LAs regularly receive challenge on the use of Section 20 from both the courts and from Ofsted so there will be learning to draw from these experiences to inform pilots and pathfinders. Whilst it is acknowledged that much like birth families, some kinship arrangements will not be perfect but indeed in the best interests of the children involved, there are some significant risks in the proposed reforms which require careful consideration and wider discussions with the courts and inspectorate(s) prior to implementation.
- 4.11. The government must clearly define the level of risk and uncertainty it is comfortable with and provide necessary legislation and guidance to avoid variation in approach and outcomes across the country. Risk is dynamic, as is resilience and capacity to parent over time. Evaluation, analysis and understanding of risk, both static and dynamic, is underplayed in both social work training and in statutory guidance. The Child Safeguarding Practice Review Panel has commenced work in this area but it is not clear when this will be finalised and made available.
- 4.12. Whilst the family first principle is supported by ADCS members, we must also recognise that absence, estrangement, distance or the contribution wider family networks can have to abuses and neglect and their capacity to do what is required are dynamic factors at play.

5. Putting love, relationships and a stable home at the heart of being a child in care (pillar four)

Every care-experienced child and young person will feel they have strong, loving relationships in place

- 5.1. The principle of formally recognising important lifelong relationships for care experienced people was broadly welcomed by ADCS members, however, there was a query about how lifelong guardianship orders will work in practice and the legal framework used to recognise these. If taken forward, this arrangement must be meaningful and not tokenistic and plans must also guard against feelings of rejection where a former foster carer or family friend may not feel able to commit

to a long-term legal order. Careful consideration is needed to ensure that both care leavers, foster carers and family friends, understand the long-term implications of making their relationship legal, and enter into it for the right reasons. There are also exploitation concerns for the most vulnerable. Finally, with the sufficiency of foster carers already a concern, we need to guard against this negatively impacting foster carer's ability to welcome other children into their homes, further impacting on placement availability.

An increase of high-quality, stable and loving homes available for every child in care, local to where they are from

- 5.2. ADCS members do not agree that Regional Care Cooperatives (RCCs) are a silver bullet, as portrayed in both the independent review final report and the DfE's implementation plan. A recent Competition and Markets Authority study (CMA, [2022](#)) branded the children's social care market as 'dysfunctional'; a market solution will only be effective if the market is functioning as it should. While ineffective commissioning has been blamed for the sufficiency challenges we face and parallels drawn with the perceived success of the adult social care placement market, there are fundamental differences in the two markets, with the latter being much more localised. It is also the case that it is often the same team of commissioners working across both children and adult services, just in very different contexts.
- 5.3. The existing system is successful in commissioning places for the vast majority of children. Rather than reinvent commissioning arrangements for all children, regional arrangements should be carefully considered for the specific cohorts of children where it is not currently successful to avoid any unintended consequences. The recent National Panel Phase 2 report ([2023](#)) highlights the existing challenges in commissioning support and placements for children with disabilities, complex health needs and behaviour that challenges, including a limited range of options and a shortage of potential placements available when needed.
- 5.4. There are existing regional and subregional commissioning groups across the country, however, none of these have yet proved to be the whole solution to the challenges we face. A separate paper has been submitted to DfE detailing concerns with the RCC model as described while putting forward an alternative vision in this space. It describes a vision for how LAs and partners could come together within a system of commissioning to better meet the needs of children and young people. Rather than all facets of care being commissioned at one arbitrary regional level, we envision commissioning activities taking place at different levels, dependent on localised challenges and pre-existing relationships, with activities at LA, sub-regional and regional level nestling into each other.
- 5.5. More support from DfE for existing collaborative arrangements would be helpful in the short and medium term as plans for RCCs continue to be worked up and piloting takes place. This is needed as is endorsement of flexible approaches across geographical regions and/or different types of commissioning. The paper can be found [here](#).
- 5.6. RCCs, alone, are unlikely to address some of the fundamental challenges with the system and are incompatible with the principles behind the implementation plan. Key challenges, including placement sufficiency at all levels, the impact of regulation on placement stability, the ability of independent providers to end

placements with as little as 24 hours notice, escalating market costs and the impact of the supported accommodation reforms, must be addressed. ADCS has long called for a move towards a non-for-profit model, profiteering from the care of the most vulnerable children and young people is unacceptable. It is disappointing the implementation plan has not gone further in this regard. The independent review recommended a windfall tax on the largest providers, whilst this would not raise a transformative sum, it would send a clear message of intent. A clear articulation of support or guidance from DfE for LAs and the not-for-profit sector to support collaboration and new strategic partnerships would be helpful.

- 5.7. ADCS welcomes plans for a financial oversight regime to increase transparency and guard against sudden market exits, however, it would be more effective to mandate open book accounting for providers to increase trust in LA-provider relationships, aid in negotiations, and provide public transparency over the general level of profitability. Introducing a national framework of banding and tariffs for fostering and residential services, similar to the proposal in the recent SEND and AP Green Paper ([DfE, 2022](#)), would further increase transparency and ensure fair pricing across the board. A government funded national foster care recruitment campaign is also needed to promote fostering as being a caring and valued profession, while targeting those people willing to care for older children, sibling groups, those with more complex needs, and unaccompanied asylum-seeking children (UASC).
- 5.8. Further discussion is needed to develop the scope of national support with forecasting, procurement and market shaping and what might be most beneficial in the short, medium and long term to better meet children's needs, improve their outcomes and contribute to a better functioning market. If DfE are not planning to deliver this support, then it should be properly resourced and conducted by LAs at a regional level, as experts in this complex market.
- 5.9. Residential care staff are often low paid and undervalued yet they work closely with some of our most vulnerable children in care. More must be done to raise the profile of this workforce and develop a more effective offer of training and support. Some elements of this workforce, usually in the independent sector, can be on short-term or precarious contracts, with little or no development or support offer. Such employment practices are not in the best interests of children.
- 5.10. There is a shortage of experienced registered managers which is impacting on placement sufficiency, ADCS members welcome moves to recognise and develop this important element of the residential care workforce. Alongside any development, further consideration should be given to the level of personal risk attached to the role, it is significant and there are few other roles which are comparable.

Strengthen and extend corporate parenting responsibilities towards children in care and care leavers across the public sector

- 5.11. There was broad agreement amongst ADCS members that corporate parenting duties should be extended beyond LAs and that a range of organisations and businesses can and should play a more active and meaningful role in improving outcomes for children in care and care leavers. However, this should not be tokenistic. For health partners to fully realise their corporate parenting responsibilities, the Department of Health and Social Care must hold ICBs to

account both strategically and operationally for meeting the needs of children and young people in a place, particularly those with vulnerabilities, including SEND, mental health needs, children in care and care leavers. In the future, CQC inspections should provide assurances that the needs and interests of children in care and care leavers are being accordingly prioritised. Further and higher education institutions have a significant role to play for this cohort and in local places too.

- 5.12. It is disappointing that the recommendation to make care experience a protected characteristic was not taken forward in the DfE's implementation planning. While LAs can, and are, making efforts to break down barriers and reduce discrimination, making care experience a protected characteristic could have gone much further to improve outcomes up to 25 years old and beyond.

Improvement in the education, employment and training outcomes of children in care and care leavers

- 5.13. ADCS welcomes the extension of the post-16 Pupil Premium Plus funding for children in care and care leavers aged 16-19 years old, as well as the principle for strategic oversight of education for children in care and care leavers up to 25 years old, providing that this is adequately funded. However, a different set of skills and relationships would be needed for this role. Rather than further extending the responsibilities of the Virtual School Head, perhaps a Virtual Principal is needed to focus on further and higher education, skills, training and beyond?
- 5.14. The drive to open up more apprenticeships to care leavers is helpful, however, more could be done to secure commitments from big companies to ringfence a proportion of apprenticeships specifically for care leavers, in line with their corporate social responsibilities. Targets should be set for a range of sectors, perhaps under the auspices of a reinvigorated Care Leaver Covenant. Increasing the numbers of apprenticeships is not sufficient alone, a parallel support offer is needed to help care leavers make the most of this opportunity. Companies need explicit guidance so that they can offer enhanced levels of support and a clear path to employment to increase the likelihood that their care leaver apprentices succeed.
- 5.15. The increase in the apprenticeships care leaver's bursary is welcome, this will make a big difference for care leavers when they take up their new role. However, the low apprenticeship wage will continue to alienate care leavers who live independently and are managing their own bills without financial support. Providing an apprenticeship wage that is equivalent to a living wage would make this a more realistic route into sustainable work for this cohort.

Increase in the number of care leavers in safe, suitable accommodation and a reduction in care leaver homelessness

- 5.16. The level of funding that LAs receive for UASC care leavers remains woefully low and should be considered here. ADCS welcomes the principle of 'Staying Close' becoming a national entitlement to provide greater stability for some of the most vulnerable young people in our care once they turn 18 years old and to address the issue of homelessness in young care leavers. This should be rolled out more quickly, with resources to match the ambition. However, there will be a consequential impact on sufficiency, similar to the impact the introduction of

'Staying Put' has had on foster care placement sufficiency. Any further loss of placement capacity must be mitigated in plans for new residential provision and in the recruitment of additional foster carers.

Working closely with health partners to reduce the disparities in long-term mental and physical health outcomes and improve wellbeing for care-experienced people

- 5.17. ADCS members are clear, children in care and care leavers must be prioritised for access to mental health support. Children in care, who have experienced significant abuses, trauma and neglect, should be prioritised for mental health assessments and ongoing support to overcome earlier childhood adversity. Children should not have to wait until they have achieved stability to access this support, indeed many children are simply unable to achieve stability until they receive support. This issue can be exacerbated when placement moves require rereferrals for services in a new area, this can often be at the expense of any progress made.
- 5.18. Support must be woven right through the entire system and careful consideration should be given to the meaningful provision of mental health support in the development of family help. Providing timely mental health support for children, and giving parents the tools to care for their child, will support families to stay together and reduce demand in the system. This targeted approach must continue for care leavers with priority access and additional support provided during the transition from CAMHS to adult mental health services.
- 5.19. ADCS welcomes the proposals for an interdisciplinary approach to mental health for children in care, but more levers are needed to ensure that health services share the same ambitions and are held accountable for their contribution to the outcomes of this cohort. Adult social care also has a significant role here and if corporate parenting responsibilities were extended, the Better Care Fund could help to smooth the path from children's services to adult services as a young person turns 18 years old. One way to achieve true multidisciplinary working for children's mental health, might be to consider rooting children's community health services within a system of placed based leadership that has children at its heart, led by the DCS.
- 5.20. The introduction of ICBs and ICSs is an opportunity to raise the profile of health services for children in care and care leavers, however, most LAs report acute pressures, workforce shortages and hospital discharge continue to be the main areas of focus. An all-age approach means that resources are not ringfenced adequately for children, e.g. Transforming Care funding not being directed towards supporting children and young people with learning disabilities and/or autism in the community, even though there has been a policy decision to divert them from hospital to the community. More explicit guidance, standards and targets are needed to ensure that children in general, and children in care specifically, are seen as a priority and that resource is adequate to meet need and services are commissioned accordingly. We should also consider a more integrated model of local provision of children's community health services, including mental health, using the learning from the now well-established Better Care Fund approach in adult services.

6. A valued, supported social worker for every child (pillar five)

Early Career Framework (ECF)

- 6.1. The career framework concept was broadly viewed as a positive development by ADCS members, however, there are mixed views about the ECF name and whether the proposed five-year duration is too long, with the majority of views preferring an extended assessed and supported year in employment (ASYE) of two or three years. This would allow greater flexibility over the timing of the professional development that followed, and consequently place less emphasis on 'early career'.
- 6.2. The benefits of prescribing five years allows LAs to nurture new starters for longer, this will hopefully increase confidence in practice and help to prevent burnout. However, there was broad support for LAs having flexibility to allow those thriving in their first two years of employment to be allowed to progress at a quicker rate. On balance, a career progression framework was felt to be more appropriate as this would avoid staff being perceived to be seen as 'newly qualified' for five years. Nevertheless, the principle of greater development was broadly welcome. Therefore, flexibility within the framework will be key but with clear expectations around the core skills/knowledge that all social workers must have, and which aspects can be used for moving onto various specialisms. Conversely, if child protection lead practitioners are introduced at the same time, this may create an unhelpful dynamic or hierarchy.
- 6.3. The transition to expert practitioner needs to be carefully managed and there was a discussion around whether there should be something in between. The ECF could form part of a 'career framework' where progression is based on skills rather than arbitrary timeframes. It is important that staff have the opportunity to demonstrate their skills and aptitude earlier in a way which is less restrictive, to avoid the risk of people being frustrated with the pace of progress and leaving the profession altogether. This might particularly apply to social workers training after an earlier career in a relevant field, such as family support, or social workers who qualified abroad but are new to practice in England.
- 6.4. Overall, there was a consensus that a five-year ECF is too long but there should be a distinct offer beyond the ASYE that allows for pathways into specialisms. This may still be part of a five-year framework but would involve two to three years of baseline training before specialist training. However, we should avoid the risk of narrowly confining what social workers can do or the types of children and families they can work with.

Family support workers

- 6.5. The idea of KSSs for family support workers (FSW) could help to recognise this important workforce, but we must guard against restricting who can join this workforce. We need to think less about specific cohorts of children that can be supported by these workers and instead focus on which children FSWs can best support i.e. look at the skills this workforce brings to each family. The use of 'alternatively qualified workers' can be transformative and better able to work with children and families outside of statutory frameworks. If we are to move into this family focused way of working, ADCS members called for clarity on the dynamic between qualified social workers, FSWs and child protection lead practitioners.

- 6.6. Family practitioners are often more rooted in place than social workers and therefore more likely to stay in their role longer, this is something we should seek to capitalise on, possibly via greater focus on apprenticeships and other development opportunities. There are a number of other 'unqualified' staff who play important roles in the system, working closely with children, young people and families. ADCS has long called for a personal adviser apprenticeship to support care leavers, for example. Conversely, we need to guard against the loss of direct work with families by qualified social workers and restricting them to case management work in order to perform statutory functions; this is not why people join the profession. Further, the reason for expanding the case holding arrangements of family practitioners needs to be based on what is best for children, not a deficit model of compensating for a lack of sufficient social workers.
- 6.7. There was a consensus that we shouldn't lose focus on the specialist skills of social workers, but that equally there is an opportunity to better recognise, reward and develop some of our wider workforce into qualified positions, perhaps via apprenticeships, as part of a long-term workforce strategy. This should have a clear focus on different cadres of the wider children's workforce to better understand their value and where developmental opportunities are required. This is particularly important for the residential care workforce which largely sits outside of local authority employment but provides vital support for children and young people with some of the most complex needs. Overall, there was agreement that there needs to be clarity around what our offer for children and families is and the continuity of work with families that leads to long-term support.

Workload reduction tool

- 6.8. Sadly, social worker roles are increasingly difficult to recruit to and the profession lacks the status some similar professions have attracted e.g. teaching or nursing. The government's focus on improving case management systems, though important, is not the main barrier to recruitment and retention. Multiple reviews into social worker workloads focus on case management systems but this is not a silver bullet. The status of the profession, how it is perceived and valued in society, is paramount but we continue to await a national campaign to promote the value of child and family social workers from government. Frontline social work is incredibly rewarding but can be incredibly demanding. We need a trauma informed response to supporting our workforce to ensure they receive the right level of support.
- 6.9. More detailed comments on the social work workforce, and the increasing use of agency staff, are included in the Association's [response](#) to the standalone consultation on this subject.

7. A system that continuously learns, improves and makes better use of evidence and data (pillar six)

- 7.1. ADCS members agreed with the draft purpose of children's social care and the principles that underpin our work as described in the national framework. The most obvious gap was felt to be the omission of a meaningful partnership or multiagency lens in either the framework or related data measures. On balance, it was agreed that this would best be addressed via the addition of a third enabler focussed on multi-agency partnership working.

- 7.2. On the linked data dashboard, utilising indicators that are already in use makes sense given the volume of research and data projects underway under the auspices of the DfE's data and digital solutions fund. Completion of these projects will allow for more detailed consideration on what is collected and how in terms of children's social care data. On a longer timeframe, ADCS would welcome discussion on the development of new metrics and measures to address gaps in our knowledge and insights e.g. extra familial harms.
- 7.3. More detailed comments on the framework and data dashboard will be included in the Association's response to the standalone consultation. However, there were some common themes in our internal discussions:
- The need for clarity as to the purpose and function of the proposed data dashboard
 - The absence of asks or space to provide local context in the proposed dashboard to help central interpretation of what are largely process focused measures
 - The need for an insight into children's experiences and their outcomes
 - Careful thought is required about the defining of measures and explanatory guidance to support collection and analysis locally and nationally
 - The current measures do not offer granularity or insights into the experience of smaller cohorts of children who may not be doing so well in care
 - On frequency, quarterly was felt to be too frequent in terms of showing meaningful trends and in terms of workforce capacity noting there is already a quarterly collection of the RIIA data.
- 7.4. ADCS members would also welcome a parallel discussion with the DfE about the usefulness of longstanding national data returns, which are an undertaking for LAs and the length of time for DfE's cleansing and analysis means these data are generally 12 months out of date at the point of publication.
- 7.5. On wider measures to improve the system, there is already a plethora of resources for practitioners in the system but no obvious central hub to support dissemination and use. What works centres, universities and other research centres or groups, children's charities, expert centres, LAs and groups of LAs all have insights to share. Synthesising the wealth of information available via practice guides could be a valuable exercise, having a central library or repository would be beneficial as would the identification of gaps in evidence or the codifying of practice where this is running ahead of national policy e.g. in responding to extra familial harms, and filling the gaps that exist. We must guard against practice guides being seen as the only way of doing things and a collaborative approach, with meaningful input from LAs, will help improve ownership and use.
- 7.6. It is not yet clear how the DfE will use the data collected here and via other new collections e.g. the new data asks attached to the social work agency plans to inform its policies, priorities and interactions with other departments. Having a national framework and a more regularised data collection offers opportunities to have evidence-based policy discussions. On sharing and embedding best practice, learning and improvement, it is not just LAs and local systems that need to do this, so too does government.
- 7.7. On improving LAs that are double 'requires improvement,' ADCS would support RIIAs being meaningful partners in this work, this does not consistently happen

and is a missed opportunity. A recent evaluation of improvement and intervention activity (DfE, 2022) showed strong support for, and impact of, RIAs.

8. Delivery (pillar seven)

- 8.1. ADCS members felt the DfE could go further and faster in a number of areas, two were seen as particularly key in helping to stabilise the system and support preparedness for reforms, namely action on the untenable situation that has grown up around social work agencies and on national efforts to support foster carer recruitment.
- 8.2. There are a number of areas in the implementation plan where we believe there is already good evidence and experience to go faster with proposed reforms e.g. in relation to parental engagement and family based decision making. There are other areas where more urgent and transformative action is needed, particularly in relation to addressing racial and socio-economic inequalities, our responses to extra familial harms including safe and secure placements in a therapeutic environment, youth justice and the ability of large, multi-national organisations to profit from the care of the most vulnerable children and young people.
- 8.3. The delivery section of the implementation plan has a significant number of actions and reforms frontloaded in 2023, from the development of several new strategies and multi-agency standards to the revision of existing guidance, new research, the publication of a national framework and linked data dashboard plus the launch of the first tranche of several different pilots and pathfinders. Whilst ADCS is similarly ambitious for children and ready to support reforms, it must be recognised that there is finite capacity in both local and central government.
- 8.4. ADCS members were clear that the most pressing priorities are: action on social work agencies and the recruitment and retention of social workers; revisions to *Working Together 2018* guidance; and, any actions or developments needed to build the evidence base for a strong submission for a transformative, multi-year, equitable sum from HM Treasury in the next comprehensive spending review in 2025.
- 8.5. More thought is needed about how to capture learning from the 30 or so proposed pilots, trials and pathfinders testing out different elements of reform and it will be important for DfE to regularly share this learning as pilots progress. ADCS believes strong links with the RIAs will be vital to embed the learning from pathfinders into regional sector led improvement, as will links with the DfE's regions group. There could be lessons to draw from the DfE's children's social care innovation fund which ran between 2013 and 2017 and had a dedicated website, newsletter and learning events. ADCS would welcome further discussions with the DfE on this important matter.

9. Conclusion

- 9.1. As previously stated, ADCS members are supportive of any attempts to improve the lives, life chances and outcomes of children, young people and families, and linked to this genuine efforts to improve the efficiency and effectiveness of the public services they rely on, wherever they live. We are custodians of the current system, not its architects and know where it needs radically overhauling better than most. It is also the case that our staff work hard day in and day out to protect

children and families from dynamic risks and harms, to keep them safe and support vital change work.

- 9.2. It is critical that several related strands of reform or change programmes falling out of different reviews, inquiries and programmes are drawn together with the implementation plan to form a coherent whole, ideally under the auspices of a plan for childhood. A read across with the SEND and AP improvement plan is needed and indeed referenced in the implementation plan but there are other considerations that will impact on children's social care. To illustrate, the workforce is a common thread throughout the implementation plan, from the creation of wholly new roles, investment in training and development offers to the recruitment and retention of social workers yet there are other developments progressing on different timelines that will interact wholly or in part here. This calls for a much stronger set of cross-department governance arrangements at national level which mirror the local safeguarding partnership arrangements.
- 9.3. We do not yet have the government's response to the final report of the Independent Inquiry into Child Sexual Abuse, this included recommendations relating to the residential children's home workforce. The Child Safeguarding Practice Review Panel's second report on safeguarding children with disabilities in residential settings includes a call for an integrated strategy for the children's workforce in residential settings. The introduction of new standards and a regulatory framework for supported accommodation has implications for the workforce, as do other burgeoning and longstanding programmes, including Supporting Families and family hubs, which need drawing in here too to maximise both resourcing and efforts whilst minimising bureaucracy for the benefit of our teams and of course, for children and families.
- 9.4. If there are any questions or queries regarding the points raised in this consultation, please contact ADCS Senior Policy Officer, Katy Block, via katy.block@adcs.org.uk in the first instance.