

Josh MacAlister, Chair of the Independent Review of Children's Social Care

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

26 February 2021

Dear Josh,

Many thanks for meeting with my colleagues and I recently. Since our meeting, ADCS Council of Reference has met and we took this opportunity to discuss the independent review of children's social care and I wanted to feedback to you some of the themes arising from that discussion.

DCSs welcome the review and agree it is a significant opportunity to addresses the challenges in the system to ensure it works well for children and families. ADCS is committed to engaging with the review in a meaningful way and would welcome the opportunity to be represented on the public sector group you are establishing. For the purposes of continuity, our nominated representative would be Charlotte Ramsden, who takes up the role of ADCS President on 1 April 2021. As mentioned in my earlier letter to you, ADCS would also be happy to facilitate access to a small, representative group of DCSs for you to test emerging thinking and recommendations. We believe the review must recognise the range and experience of views across all LAs, and this could be one of the mechanisms to achieve this.

The review presents a timely opportunity to debate how far the state should intervene in family life and to understand what actually helps families to thrive, and what is the purpose of care? It could be argued that over time and as resources have become tighter, we have moved away from the original principles enshrined in the section 17 of the Children's Act 1989 to focus on the more acute end of the business. The binary "in" or "out" system of care in this country no longer best meets the needs of the children and families we work with, particularly late entrants and adolescents. The boundary should be much more porous to reflect the fluctuating needs of children and families, many may benefit from some regular respite to provide time and space to reflect rather than fulltime care; the inspection and regulatory frameworks could also better accommodate more flexible ways of caring for children. The role of kinship care is an important consideration here also, and how we ensure that, where appropriate, children can remain successfully within their own families in the least intrusive way possible and with the right kind of support.

We welcome your expressed determination to listen and learn from those who are care experienced. Our current cohort of children and young people in care and care leavers should also have the opportunity to contribute, this is in addition to those who have experience of children's social care services but did not need to be brought into care. Their views provide us with current learning and we would want the review to have access to these views too.

Form must always follow function, we have the safest child protection system in the world and other countries consistently look to us for learning. So, we must safeguard the elements that work well whilst being open about the challenges in the system and how best to address

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them collectively; structural solutions will require time, money and attention and offer no guarantees of delivering meaningful, sustainable change. Indeed, the history of structural reforms, be that to children's services, schools or the NHS, is one of over-stating the benefits and under-estimating the disruption of reform.

Throughout this, the child's journey should be front and centre, the importance of local, connections and connectivity, relationships and love may be difficult to quantify but can never be underestimated. We are aware of the government's intention to reform adoption further, with a view to introducing a more national approach to some aspects of adopter recruitment. Whilst there may be benefits to be gained of scaling up some aspects of adopter recruitment it would be a mistake to think that nationalising aspects of the service would achieve the government's desired outcomes. This is also true of fostering, where of course, the vast majority of children looked after are cared for.

The scope of the review will be key and as you mentioned when we met, the wider societal determinants of family distress, particularly poverty, are a burning question. In Hertfordshire, my teams see first-hand and on a daily basis the impact that domestic abuse, unemployment and low pay, poor housing, ill-health and hunger have on many families. These challenges are not new for many families and the economic and societal impacts of Covid-19 will sadly bring others to our attention. This is a complex and multi-faceted issue but as a system, we need to be open and honest about the drivers of demand for children's social care. Improving the system response to relatively new risks faced by young people is also key. There is much more we need to learn about the complexities of contextual safeguarding, we are dealing with high level sophisticated criminals exploiting our young people, often with limited access to the intelligence the police have about these people.

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 have similar complex and overlapping needs and it is often where and when they present that determines whether they receive a social care, health or justice response. Young people need secure provision which can address their mental health and welfare needs; the current lack of join up and integration hampers our ongoing work with this vulnerable group of children.

The role of the judiciary and Ofsted should be brought into the scope of the review as their behaviours directly impact on outcomes for children, for example the concept and use of care orders at home, and the children's home regulatory framework that inadvertently denies access to regulated provision for our most vulnerable young people.

The contribution of health and its poor prioritisation of the needs of vulnerable children, not limited to the role of CAMHS, and youth justice should also be key lines of enquiry. We need to always come back to the ways in which these services are contributing to the collective endeavour to meet the needs of vulnerable children and young people, supporting them to achieve the best possible outcomes and thrive. The health system has joint responsibility with children's social care, for ensuring that the needs of young people with complex health and mental health needs are met, with suitable provision, that is jointly

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funded. Where this is not happening, the right accountability measures need to be in place. Although the Home Office is responsible for immigration, the provision of support for unaccompanied asylum-seeking children (UASC) and care leavers who are former UASC falls to individual LAs. The Home Office funds LAs for former UASC care leavers to age 21 but their entitlements as care leavers extend to age 25. As the numbers of UASC have significantly increased over recent years, so have the expectations on LAs and for some, this is now unsustainable with the numbers of care leaving UASC rising quickly. ADCS Safeguarding Pressures research suggests that between 2017/18 and 2019/20, there has been a 60% increase in the number of care leavers who are former UASC.

The published terms of reference do not touch on the significant role of the workforce. Over recent years there has been a continued national focus on the social work profession, almost exclusively and we know that only just over 50% of the social work workforce are case-holders. This is an opportunity to really explore and draw out the real value of our wider workforce and the vital work they do with children and families, particularly in the early help and prevention space. But we also need to be cognisant of the key role of residential care workers (in open and in secure settings), therapists, and personal advisors for care leavers, for example.

ADCS would want to see the review explore and develop strong links with transition to adult services, particularly in relation to support for care leavers, young people with learning disabilities, and young carers. Transitioning between services has often be described as a cliff edge by many young people whose needs do not stop when they are 18 or indeed 25, yet different eligibility criteria creates confusion and real barriers for some.

The children's social care system is complex and while the review will want to tackle head on some of the challenges we face, it must also guard against being a victim of its own ambition. In terms of prioritising areas of focus, ADCS would welcome an emphasis on:

- **What is care for and what does success look like:** the concept of care, what are we trying to achieve through the system?
- **Journey of the child:** best prevention, best purposeful nurturing care experience, best exit from care
- **Drivers of demand:** wider societal determinants (specifically child poverty), parental need including domestic abuse, mental health and drug and alcohol misuse
- **Prevention:** early help and prevention models, edge of care models
- **Placement sufficiency:** capacity (welfare secure, fostering), quality, geography, cost. The aging demography of foster carers is of concern
- **System response to specific cohorts:** adolescents and extra-familial risk, babies (particularly where parents are care leavers themselves), UASC, care leavers (including former UASC)
- **Resources:** funding, spend and outcomes, private equity and risk in the placement 'market', e.g. Safeguarding Pressures research shows that the six biggest IFA companies account for 51% of all IFA households, integrated commissioning, invest to save approaches and evidence of success

- **Role of partners:** referrals, health – CAMHS and links to SEND, wider health services meeting needs of vulnerable children and young people, the YJB and YCS, judiciary, the Home Office
- **Inspection and regulation:** regulatory reform, the impact of inspections on practice and behaviours
- **Workforce:** the role and value of the wider workforce beyond social work
- **Education:** the value of education, educational outcomes, and narrowing the attainment gap (for CiN, CP and CiC)

ADCS has produced several reports and policy position papers, which the review may wish to draw on during the initial fact finding phase:

- [ADCS Safeguarding Pressures 1-7](#) (2010 – 2021)
- [What is care for?](#) (2012)
- [What is care for – alternative models of care for adolescents](#) (2013)
- [A country that works for all children](#) (2017)
- [Building a country that works for all children post-Covid](#) (2020)
- [A vision for an inclusive and high performing education system](#) (2018)
- [Building a workforce that works for all children](#) (2019)
- [A health care system that works for all children](#) (2019)
- [Serious youth violence and knife crime](#) (2019)
- [Comprehensive Spending Review submission](#) (2020)
- Response to both the [review of residential care](#) (2015), the [fostering stocktake](#) (2017) and the [reforms to unregulated provision](#).

We are in the process of updating the ADCS position paper *What is care for?* and are planning to develop a policy paper on youth justice this year as well. We will share these with you in due course.

We agreed to meet again in the not too distant future, would it be helpful to do this prior to the publication of the review's scoping document? I will ask Esther Kavanagh Dixon, ADCS Senior Policy Officer, to contact the review team with a view to getting a date in the diary.

Yours sincerely,



Jenny Coles
ADCS President 2020/21

CC: Shazia Hussain, Department for Education