Introduction

The Children’s Society is a national charity that runs local projects to support children and young people who are at risk of exploitation or harm, living in care or let down by the systems meant to protect them. In 2014/15 we supported 34,000 children and young people, many of whom were on the edge of care, looked after, or care leavers.

The Children’s Society helps children in the care system in many ways. We run children’s rights and participation services in seven areas across the country helping children in care to understand their rights and to access Children in Care Councils. We have dedicated advocacy services in five areas assisting young people to make representations to the people who make decisions in their lives to ensure their voice is heard.

We run care leavers services in a number of areas including our Care to be Different programme which provides one to one support for care leavers and those preparing to leave care in the North and South West.

We also come into contact with young people in the care system though our projects focussed on safeguarding. Our 11 missing children projects often work with children in care, including those in residential settings and we also come into regular contact with looked after children through our services to tackle sexual exploitation and to help young people struggling with substance misuse.

The Children’s Society welcomes this consultation. Our consultation response is based on the views of children and young people who we come into contact with and our practitioners who work with them. It is informed by our own research and by our ongoing policy work.

Summary of key points

What is the role of children’s homes?

- The review needs to view residential care as one small part of a wider system caring for looked after children that has many complex problems. Overarching reform of the care system is needed if outcomes are to improve
- Given that most of the children in residential care are in their late adolescence the review must focus on how residential care can support teenagers in a more appropriate manner and what can be done by the wider care system to improve outcomes for adolescents and prevent them needing residential care in the first instance
- In its final report this review must ensure that it demonstrates that children and young people have had a central voice its work. We recommend that young people are afforded specific opportunities to participate through surveys and questionnaires, written and verbal testimony. We would recommend that a smaller panel of young people with a
variety of experiences of the care system are given the opportunity to comment on draft recommendations before final publication.

- This review should use its independence as an opportunity to state clearly that out of area placements are only acceptable when a child is not considered to be safe in their own area.
- Children and young people, regardless of what placement they are in should always play a role in making decisions about how residential homes are run and how behaviour is managed
- Direction should be given to unregulated settings about the standards and qualifications expected from their staff. This should also include full training on the most common safeguarding risks to vulnerable adolescents.
- Given the average age of young people in residential homes, staff must be properly trained in responding appropriately to the risks faced by vulnerable adolescents like going missing, sexual exploitation, substance misuse and poor mental health
- Residential homes should frequently measure the wellbeing of the children in their care and aim to see significant improvements in their wellbeing
- Local authorities should be able to demonstrate that they have reached their sufficiency requirement for those young people who require an unregulated placement aged 16 or 17
- Local authorities should be required to commission residential homes in a way that allows follow-on care and support as young people transition out of care either as care leavers or into the care of their families.
- The government needs to consider appropriate standards, regulation and inspection for the unregulated sector. Currently the risks are too high and the sector does not adequately demonstrate improved outcomes to children’s services
- The obligations placed on local authorities around care leavers need to be strengthened. The existing obligations around accommodation, contact and employment and training need to be more effectively scrutinised by Ofsted

Young people in residential care

Young people in residential care are often very vulnerable. Ofsted and Department for Education data demonstrates the challenges in these settings with low attainment, poor health, and unstable placements being more common than in other settings. There is an urgent need to change the narrative in these settings so that the young people placed there do not feel like we have given up on them and that they can succeed and achieve their full potential in life.

This consultation is on ‘children’s residential care’ but half of the young people in these settings are aged 15 or over. It is therefore critically important that the residential care is fully equipped to meet the needs of teenagers who are trying to make sense of the world, often pushing boundaries, taking risks and trying to understand their complex lives.

What is the role of children’s homes?

1. Overarching issues

For the last few years children’s residential care has been the subject of great scrutiny and reform. A series of influential inquires underlined an urgent need for change. The joint inquiry into children missing from care by the APPG on runaway and missing children and adults and the APPG on looked after children and care leavers, to whom The Children's Society provided the secretariat, outlined the huge numbers of children running away from care, particularly residential care. The report from the Office Commissioner on child sexual exploitation by groups
and Gangs highlighted the significant risks of sexual exploitation to those in residential care. Finally the House of Commons Education Committee’s Inquiry into residential homes uncovered systemic issues around the cost and outcomes of the residential care system that needed to be urgently addressed. All of these pieces of work informed the reforms recently pursued by the Department for Education including the new regulations and Ofsted’s new inspection framework. The pace of change has been extreme but in our view it is unlikely, on its own, it will result in significant improvements in outcomes for children placed in residential care.

Such a focus undoubtedly is needed but the reforms also need to address issues outside residential care. Ofsted and Department for Education data demonstrates that all looked after children experience lower attainment, poorer health outcomes, including those related to wellbeing and mental health. In order to improve the particularly bad outcomes for those into residential care the routes into residential care need to be explicitly considered and addressed.

Many of the children in residential care have arrived in this specific type of placement because their previous experiences in the care system have been poor. They are more likely to have had a number of unsuccessful placements in foster care, and many of the underlying reasons for them entering care, like previous experiences of neglect and abuse have not been properly addressed. Residential care is often considered the last resort. Children’s services need to think seriously about high intensity interventions that they can use when a child’s foster placements are repeatedly breaking down as a form of early intervention to prevent the slide towards residential care.

The second main route into residential care is experienced by those entering the care system in late adolescence. These children, whose own families have exposed them to significant neglect or abuse over a number of years often do not want, or are thought to be unsuitable for foster care. Furthermore, for these older teenagers residential care is seen as the only option. As part of the overall reform of children’s services the Government and local authorities need to think carefully about new ways to address neglect in adolescence and provide the funds necessary for rigorously tested interventions, with a track record of success to be offered to families who are struggling to cope whilst caring for adolescent children.

All of these complex problems point to one overarching concern – as a society we are somewhat unsure about what the role of residential care is. Is it to care for older adolescents? Is it to provide intensive care to support young people overcome previous experience of abuse and neglect? Is it the placement option of last resort? Currently no-one has an answer to this question because residential care providers are asked to provide the solutions to many of the problems within the wider care system. If this review could clarify what residential care is for then it would be easier to prescribe solutions.

Finally, we would like to express our disappointment that this consultation exercise, whilst purporting to want to hear from children and young people, did not incorporate any way for young people to properly respond in a manner specifically designed for them. Children’s participation and voice should be at the centre of all the work that affects their lives. It is our hope that this review’s final report demonstrates that children and young people have been properly involved in this review in a meaningful and collaborative manner.

Recommendations

- This independent review should take into account all the work cited that has already been done and any forthcoming work, like the Prison Reform Trust’s review on ‘keeping children in care out of trouble’ when making its recommendations.
1. The review needs to view residential care as one small part of a wider system caring for looked after children that has many complex problems. Overarching reform of the care system is needed if outcomes are to improve

- Given that most of the children in residential care are in their late adolescence the review must focus on how residential care can support teenagers in a more appropriate manner and what can be done by the wider care system to improve outcomes for adolescents and prevent them needing residential care in the first instance
  - In order to achieve this the review must consider what early interventions can be put in place for teenagers going through multiple foster placements
  - The review should also consider what interventions could be made to support families with a teenager on the edge of the care system

- If this review results in significant change it is crucial that any changes made to the system are made in a way that minimises disruption for children and young people in residential care. The risks need to be carefully assessed and mitigated where possible

- In its final report this review must ensure that it demonstrates that children and young people have had a central voice its work. We recommend that young people are afforded specific opportunities to participate through surveys and questionnaires, written and verbal testimony. We would recommend that a smaller panel of young people with a variety of experiences of the care system are given the opportunity to comment on draft recommendations before final publication.

2. Out of area placements

Children and young people should always have a genuine choice of placement. They should be able to express their preferred option and enter into a meaningful conversation with their social worker and Independent Reviewing Officer about their options and the opportunities and challenges presented by their preferred options. From our direct work we know that where children are involved in planning their own care and can have a choice of placements they are more likely to co-operate positively with their carers and feel more empowered about their future.

Unfortunately, our direct work also tells us that participation in care decisions, particularly around the choice of placements is not something that happens consistently in practice. Many placement decisions are last minute, driven by what is available at that time rather than by the needs of the child and in some cases driven by the cost.

The availability of placements is also driven by the residential care market. The supply of residential homes in England appears increasingly diverse. Ownership can lie with the Local Authority, private companies or the voluntary sector. Homes often divide into specialist and non-specialist. These specialisms must be demonstrated in a setting’s Statement of Purpose. Some specialist homes are based on therapeutic demands – for example homes specialising in the provision of accommodation for those at risk of sexual exploitation. Other specialist homes provide to specific demographics – like homes dedicated to the 16+ age group.

The type of placement a Local Authority seeks for a child often determines what kind of provision must be used. The 2014 data pack on children’s residential homes tells us that 92% of residential placements outside the Local Authority are in private provision.vii

The current market acts to restrict children’s choice. Private homes are usually out of area and expensive but often have a specialism that could provide beneficial extra support for a child. These tensions often cause conflict as the case study below demonstrates:

A teenage boy had been living in a specialist residential home out of area but had to leave the placement and was put on a short term placement in a local authority residential home whilst
another specialist placement was secured for him. He was then moved to the new specialist placement which was out of area. He asked for support challenging this placement and received help from an advocate from The Children’s Society. The Local Authority felt that his circumstances required a specialist home, but he had been very happy during his short placement in his local area at the non-specialist home, getting on well with the staff and enjoying better contact with his social network. The Local Authority decided to return him to the non-specialist home, but he had to wait some time before this could happen because there was no room available. The Local Authority home was always full because it was cheaper than external provision.

This case demonstrates how a decision to pursue specialist care can often result in a trade-off between a non-specialist cheaper local placement and a specialist more expensive distant placement. No-one benefits from this situation. It creates budgetary pressures on the Local Authority and offers the young person an unenviable decision – particularly if they feel they really need specialist help.

Often these conflicts occur because the purpose of residential care is no-longer clear. The established position that foster care is always a better option, particularly kinship care, has resulted in a situation where instead of residential care being a valid option in its own right it has become the option Local Authorities use when all else fails. This results in the residential care cohort of young people being the ones who have had the most traumatic experiences, the most unstable and disrupted lives and, often enter care very late in their childhood.

**Recommendations**

- This independent review should undertake a thorough analysis of the residential care market, identify market failures and suggest methods by which they could be resolved.
- All children should have a say in their care placement. They should be actively involved in decision making with the help of an advocate if necessary.
- This review should use its independence as an opportunity to state clearly that out of area placements are only acceptable when a child is not considered to be safe in their own area.
- For children currently in out of area placements, this review should make practical recommendations around how their experience could be improved including:
  - Recommendations to ensure that those placed out of area have as much face to face contact time with crucial support workers like their social worker or others as they would if they lived inside the placing local authority’s boundary.
  - Give the young people the resources necessary to communicate with and frequently visit their friends and families.
  - Enable young people placed out of area to have their voice heard through proper consultation and guaranteed representation on Children in Care Councils.
  - Provide young people with a welcome pack when they are moved out of area to help them get to know their new local area.
  - For more information about the recommendations to improve the experiences of young people placed out of area please see our [Handle with Care campaign](http://www.childrenssociety.org.uk/) on The Children’s Society’s website.

**3. Unregulated residential settings**

Throughout this consultation response we would also like to focus on the purpose of unregulated settings like foyers, hostels, supported lodgings and other accommodations designed for older teenagers. These settings are not regulated for their ability to care for
children and young people and are not inspected by Ofsted. Unlike traditional residential homes, the purpose of these settings is usually clear. In the main they are explicitly designed to prepare a young person for independent living. 22% of looked after children currently live in unregulated settings\textsuperscript{viii}.

There is a serious need to include unregulated settings within the scope of this review given the important role they play in the lives of many looked after children and care leavers. Young people do not suddenly change overnight when they turn a specific age. We see the benefit of learning to live independently but we argue that this needs to be done in a context of continuing support and high quality safeguarding. Our recent report ‘On your own now’ demonstrated the high level of risk to which young people are exposed when they are living in transitional settings that currently, due to their unregulated nature, are not regularly scrutinised and cannot always be relied upon to adequately safeguard young people\textsuperscript{ix}.

On your own now found that 62\% of unregulated accommodation providers that we surveyed felt that the risks posed by alcohol, drugs and legal highs to 16 and 17 year olds living in their accommodation was significant\textsuperscript{x}. Nine in every ten providers worried about the mental health of the young people living in their accommodation\textsuperscript{xi} and every year we estimate that 12\% of the 16 and 17 year olds living in these settings are subject to an unplanned move or an eviction\textsuperscript{xii}.

Unregulated residential accommodation is often aimed at a variety of young people. Sometimes 16 year olds can be living in foyers, hostels and other kinds of supported accommodation with other young people up to nine years older than them. This mix of young people – some classified as adults and some as children – introduces significant safeguarding risks. Some of the case studies we presented in the report highlighted risks like sexual and criminal exploitation or high levels of indebtedness due to the financial responsibilities placed on these young people. Ostensibly this financial responsibility is supposed to prepare them for adulthood but in many cases it leads to early experiences of debt, mounting interest and poor access to credit which can last well into adulthood.

**Recommendations**

- This review should make explicit recommendations about how unregulated residential placements can be improved.
- Considering the vulnerabilities of looked after children and care leavers it is not a tenable position for the accommodation helping them to prepare for independence to be unregulated and not held to any enforceable standards about the care, support and safeguarding they must provide. The review should recommend that unregulated settings are subject to specially designed standards, minimum staff entry qualifications and standardised external scrutiny of their provision.

**What works in children’s homes?**

The Children’s Society does not provide any residential care for children but through our services there are four key areas which we believe children’s homes must be able to excel in.

1) **Children’s Rights and participation**

Some of the best residential homes are ones where the rights of the child are properly embedded within every aspect of the home and children and young people get to meaningfully participate in the decisions that are made about their lives. In our experience participation is critically important for promoting good behaviour and making children feel at ease within the residential setting. For many young people, it is not their choice to go into a residential home. In
these instances it is important that they can participate in deciding how the home is run and how their lives are structured so that they can feel some ownership and control. If young people are happy with their placement they are less likely to exhibit risky behaviours like going missing.

From our experience it is crucially important that children and young people participate in drafting their residential home’s internal policies and play a role in helping to design the home’s behaviour management practice. This kind of participation often helps to reduce difficult or risky behaviours and encourages positive behaviour.

In unregulated settings a lack of expertise about the rights of children and how children’s social care and safeguarding operates often leaves young people feeling disenfranchised. This is worsened because in these adult settings important values like participation are not considered an integral part of the service being provided.

Every year we estimate that 12% of 16 and 17 year olds living in different types of supported accommodation are evicted or subjected to a last minute and unplanned move\textsuperscript{iii}. The reasons behind these evictions vary from serious rule breaking like drug use and violence to other things like rent arrears, spending nights away from the accommodation and loud or antisocial behaviour. Young people can be evicted because they struggle to follow ‘adult’ rules. Instead of recognising this and working with the young person to design rules they can manage and then slowly increasing the amount of responsibility placed upon them unregulated settings often just evict the young person after one or two offences.

Evictions place young people at serious risk of significant setbacks and encourage them to give up trying to make an independent life for themselves. Unregulated settings are rarely penalised for this kind of behaviour – uninspected and not subject to proper scrutiny it is often the young person that is blamed for the breakdown in the placement rather than the provider being scrutinised for ways they could have worked harder to help the young person succeed.

**Recommendations**

- Children and young people should play a role in making decisions about how residential homes are run and how behaviour is managed
- Recommendations to improve unregulated settings should explicitly address the lack of formalised participation in these settings

**2) Advocacy**

Between January and November 2015, The Children’s Society provided one to one advocacy to 440 children and young people in care. Over one third of these young people lived in residential care. More than 40% were aged 16 or 17 reflecting the older age of young people in residential care. Most importantly 29% of these young people self-referred into our advocacy services compared to 10% for young people in other settings\textsuperscript{iv}.

Residential children’s homes can be very isolating settings for a young person. Particularly given that so many, particularly private homes, are often out of area and far away from a young person’s social network. Within this isolated environment the children and young people we provide advocacy for often tell us that they felt they had no-where to turn when they did not think they were being listened too. When residential homes are ‘in area’ they may have easier access to the services the Local Authority provides, like advocacy, and young people may more frequently see other adults like social workers and independent visitors who can all help them if things are going wrong.

Residential children’s homes, regardless of whether they are private or Local Authority owned need to be proactive about advocacy as part of their commitment to children’s rights and
participation. Having an advocate help a child does not mean the home has failed to take their views into account. It does not indicate that bad practice has occurred. In fact good access to advocates is actually more likely to make children and young people happier with their placements.

Our own research suggests that advocates can be cost effective too. For example, one case study we examined concerned a young person who wanted to make a formal complaint against her social worker. With access to an advocate the young person managed to make her views known and was given a different social worker. Happy with this outcome she decided not to pursue her formal complaint. The advocacy cost about £350. A formal complaint would have cost the Local Authority between £1,000 and £3,000 excluding any compensation\textsuperscript{iv}.

Providers of unregulated settings can be less familiar with advocacy. For example, Local Authority officers responding to a Freedom of Information request about homeless 16 and 17 year olds demonstrated significant confusion about what advocacy was and whether it would be available to children being assessed as homeless jointly under the Housing Act 1996 and the Children Act 1989\textsuperscript{v}. The evidence discussed previously about participation in unregulated settings is valid here too – giving a young person access to an advocate to help them in accommodation that should be supporting them to prepare for independence can be crucially important in helping them articulate how much support they need and what aspects of their transition are troubling them.

**Recommendations**

- Every child in either residential care or unregulated placements needs to have access to a named advocacy service, including when they are placed out of area
- Residential homes should be encouraged to adopt a positive attitude towards advocacy and the role it plays in empowering the young people in their care

3) Safeguarding missing and other high risk children

It has been well documented how children in residential settings can find themselves at greater risk than other young people in care. Often this can be related to high incidences of running away from placements, but other risks, like child sexual exploitation, have also been repeatedly highlighted for this group. Often these risks are related to homes being out of area or in areas that are not particularly safe. Some of the reforms put in place over the last few years – relating to safety plans and improved procedures to follow when children go missing from their placement should result in better safeguarding if implemented properly.

The high level of risk apparent in children’s homes highlights why it is necessary that staff in homes are properly trained and qualified to help support vulnerable young people. Whilst we welcome the decision during the reform process to upskill residential home staff we believe that by allowing them to train whilst in employment the Government could have undermined children’s safety. Full-time permanent members of staff should be fully qualified. Trainees should be able to undergo work placements in residential homes but they should not be treated like a permanent and fully qualified staff member and should have much closer supervision. These vulnerable young people do not have the time to wait for permanent staff to upskill – they need competent and trained carers.

In unregulated settings our research suggests that the picture of high risk is much the same. The Government’s reforms do not apply to these settings however and so we are not convinced that the same improvements that should be occurring in the regulated sector are occurring in the unregulated sector.
Our report ‘On your own now’ surveyed over 100 providers of unregulated ‘supported’ accommodation and included foyers, hostels, supported lodgings, supported accommodation, floating tenancy support and other accommodations designed to prepare young people for independence. Respondents highlight the high risk they felt illegal drugs, alcohol, sexual exploitation and legal highs posed to the young people in their care. The survey also revealed that staff are unlikely to have qualifications and that contact with key safeguarding agencies like LSCBs and children’s social care is not uniform xvii.

Evidence from our missing services suggests that 16 and 17 year olds are unlikely to be reported as missing xviii and yet case studies informing our report highlighted instances where young people were staying out all night, sleeping at friends’ houses, or going missing for lengthy periods without being reported to the police. Furthermore many providers told us they would evict a young person for sleeping away from the accommodation on multiple occasions rather than highlighting it as a safeguarding concern xix.

The latest statistics from the Department for Education on looked after children missing or absent from placements also reinforces our concerns about 16 and 17 year olds missing from their placements. The statistical release states that ‘the majority of the 6,110 children who were missing (just over half), or away from placement (half) were accommodated in secure units, children’s homes or hostels. This is largely due to the high proportion of children aged 16 years and over who are mostly placed in these accommodation settings. Nearly half of the missing incidents were for children aged 16 and over; the equivalent figure for children away from placement without authorisation was 58% xxx.

Recommendations

- Given the average age of young people in residential homes, staff must be properly trained in responding appropriately to the risks faced by vulnerable adolescents like going missing, sexual exploitation, substance misuse and poor mental health
- The Government’s decision to increase the minimum qualification for residential staff is welcome but the two year grace period in which they can obtain these qualifications is of concern. We would rather staff gained their qualifications before commencing full time work in a residential setting. This does not mean that trainee workers cannot gain valuable experience within residential homes whilst training but rather that any trainee staff are closely supervised and not given all the responsibilities of a fully trained member of staff
- Direction should be given to unregulated settings about the standards and qualifications expected from their staff. This should also include full training on the most common safeguarding risks to vulnerable adolescents.

4) Focussing on children’s subjective well-being

The Children’s Homes data pack finds that children in residential settings are more likely to have poor mental health than others. The findings of our well-being research, published annually in the Good Childhood Report also suggest that those living outside a family setting are more likely to have poor well-being than other children. Furthermore our recent report ‘Access Denied’ found that Child and Adolescent Mental Health Services, despite often having fast tracking mechanisms for looked after children, do not always fully assess the risks related to looked after children and could do more to ensure they receive the treatment they need. A long standing policy ask of The Children’s Society has been to introduce the Strengths and Difficulties Questionnaire taken by looked after children up to the age of 15 to 16 and 17 year olds which we are glad to say has recently been adopted by the Government.
This evidence all suggests that a good residential children’s home would be one that takes both the wellbeing and the mental health of its children seriously. Actively and objectively measuring both their well-being and their resilience and putting in place proactive interventions to improve it. Many homes purport to take children’s thoughts and feelings seriously through child-centred practice but without measurement and good planning to improve these aspects of a child’s life homes cannot claim to improved outcomes.

Too often in unregulated settings less attention is paid to the emotional well-being of children. Providers worry about poor mental health but often the transitional ethos of these settings encourages young people to cope on their own, like an adult would, without realising that most adults have much more established and reliable support networks than young people who have spent their childhood in and out of care and who have experiences of trauma, neglect and abuse.

Recommendations

- Staff should receive training on the importance of children and young people’s wellbeing, simple strategies to improve it, and how to properly measure it
- Residential homes should frequently measure the wellbeing of the children in their care and aim to see significant improvements in their wellbeing
- A measure of a child’s wellbeing should be taken into account when a change of placement is being considered
- Children’s residential homes should have good links with local Child and Adolescent Mental Health Providers – securing priority treatment and the ability to treat on the premises – where appropriate

How can children’s homes improve?

Through our research we think there are a number of ways children’s homes could improve.

1) Commissioning

One of the key problems with the commissioning of placements in residential children’s homes is the often short term nature of the placement and last minute planning. Local Authority Sufficiency Strategies usually make sure that children’s social services have enough access to residential placements at a basic level by ensuring the number of beds matches the likely population needing residential care. In our experience however placement decisions are not always made with the long term needs of the child in mind. This lack of long term planning is most often apparent in follow on care.

A lack of thoughtful follow on care becomes most clear when children move placement, return to the family home, or become care leavers. Care leavers from residential placements already face significant disadvantage compared to those whose last placement was foster care, as they have no ability to ‘stay put’. Residential homes are not always fully equipped to support care leavers. Whilst many homes manage to impart good independent living skills to the young people they care for, they can fail in other ways. In consultations with care leavers one young person spoke about how her social support network collapsed after being moved from an out of area residential home back into her Local Authority to prepare for independent living. She wished that she had been able to access a ‘training flat’ or similar near the children’s home and
then transitioned to living independently out of area, as she had got used to the local area, had made friends at school and wanted to go to college there.

An example of good practice we encountered occurred when a staff member of a children’s home for under 16s went to work for a few days a week in a residential home for young people aged 16+ in order to provide some consistency for a boy who had been moved from the first home to the latter. This worked very well but require commissioners to think about how different aspects of a looked after child’s journey can be linked up in advance and then to proactively commission services capable of providing such continuity.

Finally, it is worth discussing how following a placement in residential care many young people who are returned to their families struggle because the home environment has not significantly changed since they left. This highlights the need for intensive support for families who have children leaving the care system and returning to them. Such in home support, if intensive enough and if possible without raising any safeguarding concerns could also provide an alternative to care.

When we examined sufficiency strategies for commissioning in relation to unregulated settings for those preparing for independent living we did not find the same basic rigor as we did for regulated residential settings. An examination of 32 Local Authorities with high quality strategies for the 16+ population found that these authorities were only commissioning 62% of the estimated need in their area. Furthermore our analysis also revealed that on average young people only have three options to choose from in terms of placements and that these options are designed to give graded levels of increased independence. As such, unless a young person feels particularly confident, there is only really one pathway through the system and therefore no real choice at all.

This shortage of commissioned 16+ places can have direct safeguarding consequences. Analysis of case studies for our report on youth homelessness highlighted a number of instances where young people had been asked to continue sofa surfing with friends whilst accommodation was sourced for them because none was available immediately. A risk assessment was carried out by the Local Authority in these instances but such emergency situations could have been avoided through better commissioning.

Recommendations

- Local authorities should be required to commission residential homes in a way that allows follow-on care and support as young people transition out of care either as care leavers or into the care of their families.
- Local authorities need to be able to offer intensive support to those leaving care that require it. Again this should be available for both care leavers or children returning to their family
- Local authorities should be able to demonstrate that they have reached their sufficiency requirement for those young people who require an unregulated placement aged 16 or 17
- Emergency accommodation for 16 and 17 year olds should always be available and should be of high quality

2) Delivery

Apart from some of the issues we have raised within this consultation we would have no further comments on the delivery of care in regulated settings.
In unregulated settings we feel the standard of safeguarding, in particular, needs to improve. There should be the same standards and expectations as are currently placed on residential staff – notwithstanding our comments on the Government’s two year training period about which we have significant concerns. We believe that staff need to be properly qualified and properly trained in safeguarding vulnerable young people from risks like sexual exploitation, going missing, substance abuse, poor mental health and criminal activity. This training needs to include a good knowledge of the role of children’s social care, joint working between local agencies and earlier experiences of trauma, abuse and neglect can affect young people as they transition into independent living.

Recommendations

- Staff qualifications and training should be consistent regardless of whether a home is regulated or unregulated
- The Government should review the two year training grace period to make it clear that it only applies to closely supervised trainees and not permanent members of staff

3) Regulation
We believe that the new regulations put in place are an improvement on what previously existed but that it is too early to tell whether or not they will have the desired effect. We would however urge the Government to consider a shorter lead-in time for staff to gain qualifications as two years of unqualified practice with young people is too high a risk both for the practitioner and for the young people they care for.

In unregulated settings there is currently little relevant regulation. Supported accommodation providers are often registered housing providers and so may be regulated by the Homes and Communities Agency but these regulations only relate to their role as landlords and do not include how they should care for vulnerable adults or vulnerable children. Other examples of some kind of professional standards are also seen in Foyers which are accredited through their professional trade body.

Given the vulnerability of the young people in their care we believe there is the strongest case for considering some kind of child centred regulatory mechanism. This would need to be done in consultation with the sector but could be done through a variety of existing agencies like Ofsted of the Care Quality Commission. Given the safeguarding risks we have encountered in our direct work and policy research there is a clear need for action on this.

Recommendations

- The government needs to consider appropriate standards and regulation for the unregulated sector. Currently the risks are too high and the sector does not adequately demonstrate improved outcomes to children's services

4) Inspection
We believe that the new inspection framework put in place to inspect on the new regulations is fit for purpose but that it is too early to tell whether or not they will have the desired effect. We would urge Ofsted to ensure that whenever a children’s home is inspected inspectors speak to individuals outside the home like advocates, social workers, independent visitors, independent
reviewing officers, the police, the looked after children nurse or other external professionals who have had direct experience of working with children and young people from the home.

In unregulated settings any inspections would have to be carefully designed following the introduction of standards or full regulation. We would however urge Ofsted to consider the Local Authorities’ provision of accommodation designed to prepare young people for independence more fully when they are making their judgements about care leaver services as the current judgement appears superficial and feels more based on the data collected rather than the experience of the young people themselves.

Recommendations

- Regulations of the regulated sector should be modified to include interviews with professionals external to, but involved with young people in the residential home to ensure a holistic picture of provisions
- The review should recommend inspections for unregulated settings

Other issues

1) Transition
Our concern with unregulated settings and with planning for transition has been a common theme throughout this response. When the transition out of residential care is not properly planned and executed it can undo years of hard work and significant amounts of public expenditure.

Recommendations

- The obligations placed on local authorities around care leavers need to be strengthened. The existing obligations around accommodation, contact and employment and training need to be more effectively scrutinised by Ofsted
- Those in residential care should not be penalised because they cannot stay put. Like those in foster care who are staying put they should receive help with accommodation costs until the age of 21 and be allowed a more gradual transition into independent living

For further information please contact Iryna Pona, Policy Adviser
iryna.pona@childrenssociety.org.uk

or Richard Crellin, Policy Officer
richard.crellin@childrenssociety.org.uk

i Department for Education. 2014. Children’s Homes Data Pack.

ii Department for Education. 2014. Children’s Homes Data Pack.

iii House of Commons Education Committee. 2014. Inquiry into Residential Children’s Homes.


v Department for Education. 2015. Children’s homes regulations including quality standards guide.


xiv The Children’s Society. 2015. Unpublished data from our management system.


