



Questionnaire for the inspection of services for children in need of help and protection, children looked after and care leavers

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation? **Yes**

Yes please complete Section 1

No please complete Section 2

Section 1

If you are completing the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please indicate this below.

Organisation: **The Children's Society**

Section 2

Which of the below best describes you? Please tick one option.

I am:

young person parent/carer

charity elected representative

foster parent/carer independent provider

local authority Chief Executive

local authority Director of Children's Services

Local Safeguarding Children Board

Chair

Ofsted employee

practitioner in health senior manager in health

practitioner in social care senior manager in social care

practitioner in education senior manager in education

umbrella group

voluntary sector organisation

criminal justice agency other (please specify)

prefer not to say

Q1. Key judgement 1 (pages 8–10): To what extent do you agree or disagree with the grade descriptors describing

'good' experiences and progress of children with vulnerabilities and protection?



Agree

Comments: Overall we agree with the majority of grade descriptors for this key judgement. We particularly welcome descriptors focussing on how children are listened to and those emphasising early intervention approaches and information sharing among agencies.

Recommendation 1: There should be a descriptor with a focus on how local authorities and other local agencies protect vulnerable older children/adolescents

Research evidence suggests that professionals' perceptions of teenagers as more resilient and able to cope with maltreatment than young children affects how cases of older children are assessed and whether protection is offered to them.¹

The APPG (All Parliamentary Party Group) report into children who run away or go missing from care² received evidence from professionals and young people about negative attitudes some professionals have towards older children that are not reflective of a good safeguarding response. They reported that professionals label children who run away are at risk of sexual exploitation as 'troublesome', 'promiscuous', or 'choosing such lifestyles'.³

The Education Select Committee in its report 'Children First. The Child Protection System in England' (2012) reported evidence from different organisations that older children are often not treated and assessed the same way as younger children for child protection purposes. The committee in particular recommended that '*Ofsted monitor and report as a standard part of all inspections on the quality and suitability of the provision made by local authorities for older children, taking into account the views of the children themselves. It is essential that as much attention is paid to the care options provided for vulnerable young people as to those provided for younger children*'.

Recommendation 2: Local authorities and other local agencies should be inspected on whether they have

¹ Rees, G., Gorin, S., Jobe, A., Stein, M., Medforth, R., Goswami, H. (2010) Safeguarding young people: responding to young people 11-17 who are maltreated.

² The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (June 2012) Report from the Joint Inquiry into children who go missing from care.

³ The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (June 2012) Report from the Joint Inquiry into children who go missing from care.



implemented and followed in full the statutory guidance on children who run away or go missing from home or care (DfE, 2013)

The descriptor on missing children refers to Association of Chief Police Officers (ACPO) interim guidance on management, investigation, recording and investigation of missing persons as statutory guidance that local authorities and other local agencies should be aware of and implement in full. That guidance is not statutory and although we agree that all local agencies should be aware of this particular guidance, Ofsted inspection should focus on how local authorities, Local Safeguarding Children Boards and other local agencies are implementing and following in full the statutory guidance on children who runaway or go missing from home or care (DfE, 2013). This guidance is currently being consulted on and will replace the previous statutory guidance issued in 2009.

Recommendation 3: Local authorities should be inspected on whether they have fully implemented the statutory guidance provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation

Despite the Southwark judgement⁴ and the subsequent guidance⁵, our services often still support and advocate on behalf of 16 and 17 year olds who are at risk of abuse, neglect, domestic violence, exploitation or homelessness, or are unaccompanied minors, but are not taken into care and supported according to their needs by children's services as set out in this guidance. Some local authorities routinely place 16 and 17 year old children in bed and breakfast or other inappropriate accommodation where they are at risk of going missing or being subjected to abuse and exploitation.

One stark example of where this guidance was not followed is the serious case review in Manchester of 'Child S'⁶. The child was abandoned by his father and left without any means of support. He was street homeless for periods of time and eventually supported in bed and breakfast accommodation. Child S was not assessed as a Child in Need and his needs for education, health and beyond were never addressed. He was found hanged in local authority bed and breakfast accommodation and it is believed that Child S took his own life. The review states that the response to Child S's presenting circumstances was not consistent with the findings from the Southwark judgement and although immediate legal advice had

⁴ R (G) v Southwark [2009] UKHL 26

⁵ Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation (2010) DCSF and DCLG

⁶ Serious Case Review of Child S in Manchester:

<http://resources.leavingcare.org/uploads/60fec78b9daa74ee5c0b036e096a8854.pdf>



been circulated to relevant practitioners in the pilot areas. The implications of this judgement were not contained in the original procedural guidance.

It is essential that Ofsted inspects the implementation of this guidance rigorously. Otherwise unaccompanied children such as Child S will have no-one looking out of them; no family or other support network to ensure that what happened to them comes to light and that action is taken to prevent anything similar happening to another child.

Recommendation 4: There should be two separate descriptors focussing on missing children: a descriptor on children missing from home and a descriptor on children missing from care

From our direct work with children who run away from home and from care in different parts of the country we know that local authorities may have different responses in place for these two groups of children. For example, the provision of return interviews following a running away episode in many areas is limited to one of these groups, rather than to both as required under statutory guidance. This has been highlighted in the Ofsted report on thematic inspection on missing children published in February 2013.

The systems and processes in place to identify vulnerable children missing from home and vulnerable children missing from care are also different. For example, local authorities will be collecting their own data on children missing from care but not data on children missing from home so they will have to rely more on good co-operation with their local police force. Therefore, we believe it is crucial that performance of a local authority in relation to missing children is judged by two separate descriptors.

Recommendation 5: There should be a separate descriptor with a focus on absent children

There should also be a separate descriptor for absent children. The footnote to one of the descriptors refers to inspection responses to children who are absent as well as those who are missing.

The roll-out of the new police definitions of 'missing' and 'absent' is not underpinned by an evaluation of safeguards in the pilot areas to ensure that absent children are protected and not put at risk as a result of this change to police practice. The change of definition means children and young people classified as absent will be treated as a low risk cases and will not receive any immediate



**The
Children's
Society**

response from the police to locate them or a way to follow them when they return. This may lead to vulnerability, particularly those not yet known to social services, falling through the net and not being picked up by services until a situation reaches crisis point.

Q2. Key judgement 2 (pages 11–14): To what extent do you agree or disagree with the grade descriptors describing 'good' experiences and progress of children who are looked after and achieving permanence?

Comments: Overall we agree with the descriptors for this key judgement.

But we believe that there are some important descriptors missing.

Recommendation 6: There should be a descriptor on how children's wishes and feelings are considered when decisions are made about their lives

We believe that there should be a descriptor with a focus on how well children are listened to when decisions are made about their lives as required by the Children Act 1989. From our direct work with children in care we also know that children and young people are more likely to settle well in care placements and engage with support offered to them if they have an opportunity to influence decisions and have a say about how things should be taken forward.

Recommendation 7: The descriptor about the review of care plans should include that the care plan reviews must involve the child or young people themselves

Recommendation 8: There should be a descriptor on whether children in care have access to independent advocacy to support them to communicate their wishes and feelings when decisions are made about their lives in line with the Children Act 1989 regulations and guidance (DfE, 2010) and the IRO (Independent Reviewing Officer) Handbook (DfE, 2010)

We welcome that one of descriptors under this key judgement refers to children's understanding of how to make a complaint, as well as having an access to an advocate and independent visitor.

The Children Act 1989 statutory guidance and regulations (DfE, 2010) explains that looked after children and young people have a right to be supported by an advocate, not only when they have a complaint to make but in other situations where they need support to communicate their wishes and feelings, including in statutory



reviews or care planning meetings. Evidence suggests that some of the most vulnerable children in care, such as children with complex communication needs and children placed away from their local areas, have fewer opportunities to be heard and to be supported by an advocate⁷⁸⁹.

We recommend that the inspection methodology includes looking at the availability of independent advocacy service, the number of children accessing this service, the number of children participating in their reviews and the number of children supported in these reviews by their advocates. Inspection of reports from the advocacy services providers, looking at the breakdown of issues young people require support with and including advocates in discussion would provide a helpful insight into the performance of the local authority as the example below demonstrates.

The Children's Society last year published a report based on the review of 142 advocacy cases 'The value of independent advocacy for looked after children'.¹⁰ This report identified that one third of cases focused on resolving issues around placements, including issues with the quality of placements and frequent and abrupt changes of placement. The review also identified that children with Special Educational Needs and/or disabilities were over-represented in cases related to education, including the suitability of education, bullying and responses to their challenges behaviour. The report also showed that children receiving advocacy support were more likely to be happy and settled in their placements.

Recommendation 9: We believe that there should be a descriptor on unauthorised absences from care placements

The revised statutory guidance on children missing from home or care (2013) requires children's homes and foster placements to report data on children absent without authorisation from their placements to the local authority. We believe that an assessment of the responses and follow-up support these children receive following an unauthorised absence, as well as the quality of risk assessment during their absence should also form part of the inspection on looked after children.

⁷ Franklin, A., Knight, A. (2011) *Someone on our Side: Advocacy for disabled children and young people*. The Children's Society

⁸ Mitchell, F (2007) *When will we be heard? Advocacy provision for disabled children and young people in England*, The Children's Society

⁹ Franklin, A., Osborne, C. (2009) *Independent reviewing officers' communicating with children with complex communication needs: An investigation for DCSF*, The Children's Society

¹⁰ Pona, I., Hounsell, D (2012) *The value of independent advocacy for looked after children*, The Children's Society



Q3. Graded judgement 2a (page 15): To what extent do you agree or disagree that the quality of an out-of-area residential school that is 'good' has the characteristics described?

Comments: We do not have any comments on this judgement.

Q4. Graded judgement 2b (pages 16–17): To what extent do you agree or disagree that the experiences and progress of care leavers are 'good' when the service has the characteristics described?

Comments:

Recommendation 10: We believe that the pathway planning for disabled children should be looked at separately from pathway planning for non-disabled children

Disabled children and young people we work with tell us that the transition to adulthood can be an extremely stressful experience for them and their families. There is considerable research indicating that the difficulties they face include poorly co-ordinated transition planning, a lack of accessible, comprehensive information about their options for the future and a lack of opportunities for young people to have a say in decisions about their lives. Different cultures and eligibility criteria in adults and children's services can also make it difficult for disabled young people and their families to navigate the system without support and to access services they need.

Research highlights that disabled young people who are in care, or who are living in out of area placements at residential schools or colleges are often disadvantaged in accessing information and making choices at transition.¹¹¹² The situation is compounded by the lack of regular contact with friends and family, vulnerability to abuse and a lack of control of decisions made about their lives. Yet these children are one of the most vulnerable groups of children and young people – they are often at risk of abuse and neglect because of their isolation, have a high level of care needs and a higher number of people involved in their care.

Where a young person is in an out of borough placement their leaving care experiences are often complicated by local authorities not being able to agree on funding for adult social care services.

For these reasons we believe it is very important to evaluate the quality of they receive, how timely and comprehensive their care

¹¹ Heslop, P. and Abbott, D. (2007) Schools Out: Pathways for Young with Learning Difficulties from out-of-area residential schools or colleges. *Journal of Intellectual Disability Research*, 51, (7), pp489-496).

¹² Morris, J. (2002) *A Lot to Say*. Scope, London



The
Children's
Society

planning is and whether they have support to participate in decision about their lives.

Recommendation 11: There should be an additional descriptor with a focus on migrant care leavers who are at risk of destitution and services should be inspected to ensure that relevant case law is being followed (e.g. SO v Barking and Dagenham)

Migrant care leavers includes young people who came here on their own to seek asylum, young victims of trafficking and exploitation, young people who have been abandoned in the UK as children and other former separated migrant children. This refers to children who are separated from their families, are outside of their country of origin and have no-one with parental responsibility in the UK looking out for them. As they turn 18, migrant care leavers become subject to immigration legislation which limits their access to support including Children Act and leaving care provisions (under Schedule 3 of the Nationality Immigration and Asylum Act 2002).

We are concerned that not all local authorities are applying the case law set out in SO v Barking and Dagenham 2010¹³, which states that local authorities have a general duty to provide a former relevant child with accommodation to the extent that his or her welfare requires it. Our recent report¹⁴ highlights cases where care leavers have been cut off from local authority support. We continue to support destitute care leavers who may be cut off from leaving care support entirely or are provided with a severely-reduced service from local authorities on the basis of their immigration status.

For example, in one London borough, young people who are considered to have 'no recourse to public funds' are given lower levels of subsistence, not supported to continue in education or other services including mental health services and do not have any effective pathway planning, despite high levels of need. In another local authority, some care leavers have been cut off from subsistence support as a punitive measure at the request of the Home Office if the young person is not complying with reporting procedures, despite there being no policy in place.

Without support and accommodation care leavers in this situation are at extreme risk including getting trapped into exploitative labour, or being forced into transactional or commercial sex work, or of going missing. Many of young people we work with in such

¹³ R (on the application of SO) v London Borough of Barking and Dagenham [2010] EWCA Civ 1101: <http://www.maxwellgillott.com/pdf/accommodation-former-relevant-children.pdf>

¹⁴ Pinter, I. (2012) 'I don't feel human: Experiences of destitution among young refugees and migrants', The Children's Society



**The
Children's
Society**

situations have very poor mental health outcomes, some have self-harmed or attempted suicide.

We believe that Ofsted should be inspecting care leaving and other services (e.g. 'no recourse to public funds' services) to ensure that all care leavers are supported according to their welfare needs and that local authorities are fulfilling their statutory duties towards migrant care leavers.

Q5. Key judgement 3 (pages 18–19): To what extent do you agree or disagree that leadership, management and governance arrangements that are 'good' have the characteristics described?

Comments: Overall we agree with what constitutes good leadership, management and governance.

Recommendation 10: An additional focus on leadership scrutiny and management and oversight of data and performance in relation to children and young people who go missing should be added to the inspections consideration.

The APPG inquiry on children missing from care highlighted the startling discrepancy between the data collected by the DfE and the police on children and young people missing from care. The DfE's data for 2011 reported a figure of 930 children in care having gone missing from care, yet, the UK Missing Persons Bureau, making a basic approximation based on police data, suggested a figure of 10,000 individual children, which is responsible for around 42,000 missing incidents in a year¹⁵.

The revised DfE statutory guidance on children who run away or go missing from home or care requires local authorities to collect data on children missing from care and to use police data on all children missing from home and care to plan and develop services for this vulnerable group of children. It is important to inspect that the requirements of this statutory guidance in relation to data collection and oversight are being fully carried out by local authorities.

Q6. Undertaking a review of the Local Safeguarding Children Board (pages 20–21): To what extent do you agree or disagree that the grade descriptors describe the characteristics we should take into account when reviewing the effectiveness of the LSCB?

¹⁵ UK Missing Persons Bureau (2012) *Children Missing from Care*, NPfA p.3

Agree



Comments: The Children's Society does not have any comments on this question

Q7. To what extent do you agree or disagree that a judgement of 'inadequate' in any of the three key judgement areas should limit the overall effectiveness judgement to inadequate (page 22)?

Comments: The Children's Society does not have any comments on this question

Q8. Do you have any further comments? Please write them here.

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part. Please tell us what you thought of this consultation by answering the questions below.

I found the consultation information clear and easy to understand.

Agree

I found the consultation easy to find on the Ofsted website. **Agree**

I had enough information about the consultation topic. **Disagree**

I would take part in a future Ofsted consultation. **Agree**

How did you hear about this consultation?

Ofsted website

Ofsted News

Ofsted email alerts service

Ofsted conference

Another organisation (please specify, if known)

Other (please specify)

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

It would be beneficial for future consultations to allow more time for responses. This consultation had a very quick turn-around time of four weeks.

Also the consultation form used for this consultation was not user friendly. The boxes for comments did not allow to input information as they did not expand.