



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 30 May 2014**  
**Your comments must reach us by that date**

# **Powers to delegate children's social care functions**

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Reason for confidentiality:	
Name: Iryna Pona	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): The Children's Society	
Address: Edward Rudolf House Margery Street London WC1X 0JL	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

Please mark the category which best describes you as a respondent.

<input type="checkbox"/> Local authority	<input type="checkbox"/> Providers of social work services	<input type="checkbox"/> Social worker
<input type="checkbox"/> Social work educator	<input type="checkbox"/> Children representative body	<input type="checkbox"/> Social work representative body
<input type="checkbox"/> Local authority representative body	<input checked="" type="checkbox"/> Other (please specify)	

Comments:

The Children's Society is a leading national charity, providing vital help to the most vulnerable children, young people and families in our society through a range of services. The Children's Society works with the most disadvantaged children and young people through 59 projects delivering 173 services across England including advocacy, advice and support. We work directly with the most disadvantaged children, many of whom have nowhere else to turn. With them we fight childhood poverty, harm and neglect. Our network of programmes includes drop-in services for runaways, children's centres, specialist support and advocacy for refugee, migrant and trafficked children, and children in care.

1 Do you agree that the draft regulations will give local authorities freedom to explore a wider range of approaches to discharging their social care functions?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure (please comment below)
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Comments:

- **The need to focus on outcomes for children**

We believe that the key objective for any change in social care or child protection provision should be achieving better outcomes for children through ensuring stability and consistency of services, tailored around each child's individual needs.

Although enabling local authorities to delegate social care functions to third party providers may give them freedom to explore a wider range of approaches to discharging their social care function, we are concerned that there is not sufficient evidence to suggest that such delegation of functions will lead to better outcomes for children.

The evaluation of pilots on delegation of social care functions for looked after children and care leavers presented mixed findings and divided opinions from the professionals and children involved on whether these independent practices were able to better meet the needs of looked after children and young people.

The evaluation showed that in pilot practices stability, consistency and quality of care were to a great degree determined by the same factors that determine the quality of social care services overall – the skills and knowledge of social workers, manageable workload, stability of staff, good quality communication between the professionals involved in the child's life and between the professional and the child and their family.

At the same time the evaluation of the pilots highlighted how commissioning of services to third party providers brought about risks that could have a detrimental impact on the quality and consistency of responses to vulnerable children:

- Poor staff morale and higher staff turnover linked to job insecurity because of a short-term nature of contracts in commissioned services;
- Difficulty for smaller size services to compete in tenders with bigger organisations, despite the evaluation showing that smaller size practices provided better quality support to children;
- Commissioning decisions driven by the need to save money and not focussed on achieving better outcomes for children;
- A lack of monitoring of how the outcomes for individual children were met and a lack of commissioning focussed on the needs of individual children.

We are concerned that the proposal to expand the range of functions that local authorities will be able to delegate to the third party providers does not contain any further details on how the risks highlighted through the evaluation of the pilot areas can be mitigated and what safeguards and oversight must be put in place to ensure that vulnerable children have timely access to the good quality, consistent services they need and that they do not fall through gaps in provision.

**It is essential any changes are underpinned by a robust monitoring and accountability framework ensuring that :**

- a) outcomes for children are prioritised if services are contracted out, and**
- b) that the quality of support is not driven down by commissioning decisions based on the cost rather than the quality of services.**

- **This fits with wider reforms to the child protection system**

Furthermore, it is not clear how the changes that may lead to the transfer of social care functions from statutory sector to voluntary or private sector organisations, will fit with the wider reform to the child protection system that resulted from the review conducted by Professor Munro.

The Munro review identified a range of key factors that determine the quality of child protection responses. Among them the quality of social work training, local multi-agency systems with clear lines of responsibility and accountability between local partners and the ability to monitor, learn and adapt through working together. We believe that it is important to look at how these factors will be affected if social care and child protection services are fragmented between organisations that may have very different working cultures, and can be driven by different values and economic priorities.

**The government should ensure they have reference to the Munro review when determining the appropriateness of delegating social care functions.**

2 Do you agree with the proposed regulations?

Yes

No

Not Sure (please comment below)

Comments:

- **Delegation of a wider range of social care function to third party providers**

Based on the arguments outlined in our response to the previous question, we do not believe that delegation of a wider range of social care functions to third party providers would result in achieving better outcomes for children.

We believe that further details need to be established regarding the safeguards that need to be put in place to ensure that vulnerable children receive the protection and support they need. Such safeguards would focus on achieving better outcomes for children through efficient monitoring and accountability, efficient commissioning, transparency of financial decisions etc.

- **Changes to registration and inspections**

We are concerned that changes through the Deregulation Bill may result in the removal of registration requirements on providers of delegated functions.

The House of Lords Delegated Powers and Regulatory Reform Committee in 2013 concluded that it was not appropriate to remove the registration requirement. In the view of the Committee the Department for Education did not provide an adequate justification that the removal of the registration requirement would not remove any necessary protections. In particular the committee referred to the link

between registration and the possibility of the imposition of national minimum standards and requirements as to the fitness of providers as part of registration, and a mechanism for removing providers who are failing to meet standards.

We believe that the registration of independent providers of social work practice that the government introduced following the scrutiny from the House of Lords Delegated Powers and Regulatory Reform Committee is important as it requires details regarding the staffing, fitness of the employees, fitness of premises and information about the financial viability of services. We believe it is important to ensure that no one is allowed to work with vulnerable children unless they can meet the required standards and preconditions.

We believe that these protections are still needed, and in addition to registration there is also a need for a robust inspection regime for delegated services. Learning from other parts of the system where services are provided by third party providers, e.g. residential care for looked after children, also points at the need to maintain robust registration and inspection processes to ensure that the system does not fail children. Residential children's homes, for example, are inspected on a frequent basis and recent changes were made to their registration and statement of purpose to ensure that they are located in safe areas and that they provide appropriate services to children.

Separate registration and inspection of providers of social work services is essential to ensure that children receive support and services they need and that there is a **proper scrutiny in place of how these independent practices are commissioned and how they are able to meet the needs of children and young people.**

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

<b>Please acknowledge this reply.</b>	X
E-mail address for acknowledgement:	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [aileen.shaw@education.gsi.gov.uk](mailto:aileen.shaw@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed responses should be sent to the address shown below by 30 May 2014

Send by post to: Social Work Reform Unit, Department for Education, First Floor, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT.

Send by e-mail to: [SocialServiceFunctions.CONULTATION@education.gsi.gov.uk](mailto:SocialServiceFunctions.CONULTATION@education.gsi.gov.uk)