

## **Catch22 submission to DfE consultation on 'Reforms to unregulated provision for children in care and care leavers'**

### **About Catch22**

Catch22 is a social business: a non-profit business driven by a social mission. For more than 200 years, we have worked across the UK to deliver better outcomes for young people and their families, wherever they face disadvantage. Last year we worked with 110,000 people, through 1,700 staff and volunteers in over 100 locations. Catch22's services for young people and families include vulnerable families and children in need, looked after children and care leavers, missing from home and child sexual/criminal exploitation, substance misuse, emotional wellbeing, and gangs and youth justice.

Alongside these services, Catch22 works at every stage of the wider social welfare cycle for young people and their families. We deliver alternative provision education (through our schools and academies), apprenticeships and employability programmes and rehabilitation services in 18 prisons.

### **Catch22's National Leaving Care Benchmarking Forum**

Catch22 also runs the National Leaving Care Benchmarking Forum (NLCBF), the largest membership forum specialising in leaving care in the UK, with an active membership of over 100 local authorities in England and Northern Ireland. The forum shares best practice and promotes the voice of care leavers through the Young People's Benchmarking Forum (YPBMF). The YPBMF involves young people 16-years-old and above from local authorities that are members of the NLCBF. The YPBMF works alongside the NLCBF to complete an annual work plan with the aims of improving understanding of children in care, improving services and producing advice, information resources and participation opportunities for other young people. Both of the forums have fed directly into this consultation response.

### **Our approach**

Catch22 believes that good public services are built around three principles: being more human (building relationships), unlocking social and financial capacity, and developing alternative or local governance models. In the main, the system continues to disadvantage young people as they make their transition from care to adulthood. The evidence shows that outcomes can remain poor for many young people who have experience of the care system. Such outcomes (poor health, employment and housing) cost the taxpayer significant resource as well as detrimentally impacting on communities and individuals.

Nearly 10 years ago, Eileen Munro undertook her review of child protection. She called for a more child-centred system then, but a decade on we are still working with overly transactional services and children who are passed from professional to professional, with boxes ticked and paperwork filed. Now is an important opportunity to take stock and refocus priorities on what really makes a difference to children's lives: relationships. Experience teaches us that strong and meaningful relationships – built around trust and empathy, which are honest and provide boundaries where necessary – are the most important factor in transforming the lives of children and young people.

This consultation could go some way to addressing this. However, we strongly believe that it will not have the depth of impact that it might without a wider cross-government review of the care system.

#### **Consultation Overview:**

Children in care and care leavers are some of the most vulnerable children and young people in society. Every child and young person should have access to a stable and secure placement in accommodation that can meet their needs and, most importantly, keep them safe. We need to work together to make this happen and deliver the support these vulnerable children and young people deserve.

The number of children in care aged 16 or 17 and placed in unregulated settings has increased from 2,900 in 2009 to 6,100 in 2019. We want to ensure these placements are good quality. It is unacceptable for any child or young person's placement to not meet their needs and/or keep them safe, for any amount of time.

Proposals include:

- banning the use of independent and semi-independent provision for under 16s,
- introducing national quality standards,
- ensuring Independent Reviewing Officers (IROs) represent young people's interests,
- requiring local authorities and police forces to liaise, and
- new legal powers for Ofsted to take action against illegal providers.

## **CONSULTATION QUESTIONS**

**Proposal:** Ending the use of independent and semi-independent placements for children and young people under 16

### **4. Please set out any positive and/or negative impact you think this change would bring about, and the areas we should consider to ensure it is effectively implemented.**

Catch22 works 'cradle to career' delivering public services to support young people to make sure they always have good people around them, a safe place to live and support to fulfil their purpose. This means that we have an in-depth understanding of the problems that occur when young people are not adequately heard, understood or protected, along with the complexity of their lives and situations.

We strongly agree that placements for under-16-year-olds in unregulated settings should be banned. However, it is not enough to simply ban placements. This is just one element of a system which is flawed and cannot be viewed in isolation.

#### **Individual need**

- The age limit of 16 assumes that 17- or 18-year-olds succeed in these placements. Evidence suggests the majority do not: care leavers are currently estimated to represent around 25% of the adult prison population<sup>1</sup>, they are one of the lowest performing groups in terms of educational outcomes internationally<sup>2</sup> and 25% of the recorded homeless population have been in care at some point in their lives<sup>3</sup>.
- It is problematic to assign age boundaries and view young people as one homogenous group before/after their sixteenth birthday without taking account of individual need and circumstance. Our work across the children's social care space, including substance abuse and emotional wellbeing, has shown us that a one-size-fits-all approach never succeeds.
- The needs of a 'late entrant' to the system can be very different, as seen in 16- and 17-year-olds who, prior to the Southwark Judgement, would most likely not have been accommodated (s20) (including those accommodated (s20) through custody). To give a few examples:

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<sup>1</sup> Gov.uk, 'Care leavers in prison and probation', Aug 2019

<sup>2</sup> Rees Centre, 'The Education Progress of Looked After Children in England: Linking Care and Educational Data', Nov 2015

<sup>3</sup> NAO & DfE, 'Care leavers' transition to adulthood', Jul 2015

- A lack of understanding of the system results in challenges adjusting to 'intrusive' expectations - they have little understanding of their rights and entitlements or how to navigate the information, support and finances etc.,
- Social workers are unsure of the best way to support that young person: those who have been in care for years prior to being involved with leaving care will have had numerous assessments, unlike these young people, and
- Family issues are very current and can pose different challenges than those families who have worked with social care for a number of years.

### Wider-ranging review

- It is often difficult to find a registered/regulated placement for some 16- and 17-year-olds especially if they are victims of child sexual exploitation, child criminal exploitation or have offences involving drugs. The question remains: what happens to these young people?
- A review of regulated accommodation should also be undertaken. Banning the use of independent and semi-independent placements for under-16s would not solve the negative experience many young people have in care, resulting in far-reaching poor outcomes for care leavers.

### 5. Please share any examples of good practice here.

**NLCBF Member** (member of local authority leaving care team) speaking in respect of semi-independent/independent accommodation:

*"Where there is any change for a young person, there needs to be a connection and review of residential standards to make sure there is a greater requirement/expectation on residential providers to think about the futures, routines and structures which dovetail into any standards for semi-independent/independent accommodation. "*

**YPBMF Member** (care-experienced young person):

*"I was in supported accommodation from the ages of 16 to 18 and, personally, I feel it worked quite well but there are some areas that could be improve, such as in-house training. There wasn't much put into helping me to be ready for independence. I think it needs to be matched to the individual and can see it not working for young people under 16.*

*"14-year-old me wouldn't have got as much out of it as I did when I was 16, and the transition from semi-independence to my own flat wasn't very supported at all: I was kind of dropped off at 17 ½ and left to deal with it myself! I think there should have been a lot more support then as you are getting your bearings. I think the support needs to be matched much better to the individual and their resilience for living independently well. "*

**Proposal:** New measures so that local authorities & local police liaise before making out of area placements

**6. Do you agree that we should introduce a new requirement for local authorities to consult with relevant local police forces when they place a child out of area in independent and/or semi-independent provision?**

YES

**7. Please explain your answer, including any positive and/or negative impact you think this change would bring about.**

Cross-cutting information sharing

- We must first question why the child is being placed out of area, and it should be viewed as a last resort. The risks that increase for a young person when placed out of area must be fully understood.
- It is imperative that the reasons for consulting with the police are adequately thought through and carefully managed in order to prevent early and unnecessary criminalisation of young people in or leaving care.
- There is a chronic lack of information sharing across the board; this proposal is needed but it must go beyond just the police and local authorities. All agencies must be involved in decision-making on a young person – including health workers and teachers – so that no decision is made in isolation.

This could go some way to tackling the issue raised in the previous point because the police often do not know about circumstances of a child, or when they are moved into the area: the first time they find out is when they are called to an incident. This leads to decisions being taken without the full context, which can have a lasting impact on the life of a young person.

**YPBMF Member:**

*"One day I went out with friends and, upon my return, I was met by a group of people who informed me I needed to go with them as I was being removed and sent to Teesside. I personally think that, no matter the age of the child (I was 16), social workers should always communicate next steps with young people.*

*"Young people should also be given the opportunity to collect their own belongings and take them, as I was unable to do this. Staff working in the children's home picked up my wet clothes and dumped them in black bags alongside irreplaceable photographs of myself and*

*my birth family from before I was adopted. These photographs, unfortunately, were not able to be saved."*

- Historically, for those care leavers moving out of county, there was a safeguard in the 'national protocol' which prompted communication between local authorities to agree a local service for any care leaver presenting or living away from their own authority area. This is a safeguard which no longer exists and leaves a big hole in the safeguarding of these young people.

**Proposal:** New legislation to define 'care' to keep children and young people safe and meet their needs

**8. Do you agree that we should amend legislation to define 'care', in order to provide clarity on what amounts to 'other arrangements' i.e. 'unregulated' provision, and what constitutes 'unregistered' provision?**

YES

**9. Please explain your answer, including any positive and/or negative impact you think this change would bring about.**

**Support vs. care**

- A distinction needs to be made between 'support' and 'care' as the current definitions do not work in practice. These are not mutually exclusive terms and there is ambiguity in the distinctions currently offered: a person might need 'care' some of the time and 'support' the rest of the time. What does this look like from a regulatory perspective?
- When defining, it is important to reflect the voice of care-experienced young people. Their experiences confirm there is no such thing as a successful one-size-fits-all approach.

**YPBMF Member:**

*"It seems we understand that young people with variable backgrounds have different lives and can be affected differently by the same process (care trauma). Therefore why should there be a one size fits all approach? [...] More work, at a higher standard, needs to go into their placement and the thinking around the network immediately around that young person - to support them into healthy life cycles where they can both be independent and access support when things are tough to 'balance' out."*

- Young people need to be prepared for inter-dependence not independence. If we have a landscape of provision based on a silo of needs, it does not take account for

how an individual's needs change over time and with circumstance. Adults do not generally lead entirely independent lives, so we should not expect young people to do the same when defining their 'care'.

- The key elements of good practice remain the same: human continuity, relational support, delivery embedded in universal provision, and provision moving around the needs of the young person rather than the other way around.

**10. Do you have any suggestions for areas where we might go further? In making your suggestions, please provide any supporting evidence or information you have.**

**Relationships at the heart of care**

- Children's social care has lost its primary focus of building relationships to ensure that young people and their families flourish. We must not forget that vulnerable young people will not be healed by form filling, but by people who they trust listening to them, understanding them, having the power to act for them, and remaining there for them in the long term.
- We must go further to look at how society supports those on the 'edge of care'. Sometimes it can be about building the capacity of the community, and thinking about how we can push the boundaries of regulation to reach out to other potential providers and local people in local communities. The danger is that, by focusing on poor practice, we might lose sight of how to think more imaginatively or innovatively about reforming the sector more broadly.

**Whole-systems approach**

- As demonstrated above, there is a need for a wholesale review of children's social care, taking a whole-systems approach. If we just move this one part, without considering where it fits within the whole, then there will be unintended consequences elsewhere, such as placing extra strain on an already cracked residential care system.

**The Lighthouse model**

- Catch22 has been supporting [Lighthouse](#) as they work to develop a new model of residential care in the UK. This is an excellent example of the kind of reform which is appropriate across the sector.
- The Lighthouse model considers:
  - thoughtfully designed spaces that look and feel like a family home, removing the institutional and alienating approach currently in existence,
  - an education-informed approach and therapeutic practice,

- the recruitment of excellent people to work with the most vulnerable children, with better pay, training and development,
- a basis of social pedagogy - a child-centred method of practice used widely and successfully across western Europe, and
- semi-independent accommodation and long-term support, demonstrating the need for both care and support, and providing the kind of relationship a non-care-leaver would have with their own parents as they enter adult life.

**Proposal:** Introducing new national standards to improve quality of provision

## **11. Please set out any positive and/or negative impact the introduction of new national standards would have.**

### Hitting the target but missing the point

- Clearly the current standards are not fit-for-purpose and we need to deliver high-quality support for young people. However, we must be careful not to create another set of unintended consequences. Before implementing any new regulation, there must be proper consideration as to what that will mean for the young people we are trying to help, the pressures it will exert elsewhere in the system, and the financial implications for the 'market'.
- The way the children's social care 'market' currently operates incentivises profit over purpose. We often see young people going to the lowest level of support when their needs are too high.
- The fact that we refer to this as a 'market' at all demonstrates how flawed the system really is.

### NLCBF Member:

*"I fear that regulation of semi-independent provision will lead to a further increase in the costs of such placements. This will be detrimental to children's services. Whilst regulation is required to protect our most vulnerable children, we need to ensure we have the resources to manage placements for this cohort of children."*

## **12. Please set out any other areas you think should be covered in the new national standards.**

### Investing in the workforce

- Currently, the children's social care workforce is suffering from underinvestment and is undervalued across the board. If the outcomes of this review only focus on regulation, then we are not defining the issue or addressing the other challenges. There is a lot that can be done to change training and recruitment to improve the

quality of work undertaken in all children's care settings: at present, the standards and regulation do not reflect these issues.

- Social workers tell us that they are bogged down in bureaucracy and transactional family support, unable to use the skills that do have as highly-qualified experts. The system must enable them to do the work that really makes a difference to that young person's life chances – building trusting and secure relationships.
- There is widespread concern about the recruitment and supervision practice of semi-independent/independent providers. There needs to be significant improvements and greater emphasis on skills and knowledge for the providers and their workers. This requires a more joined up commissioning approach which includes how to address costs and how outcomes are measured.
- We must look at the exceptionally high turnover of staff in children's residential settings as an example – some key potential issues include remuneration at the minimum wage and expectations for training to be completed in one's own time. Is this the right approach for some of the most challenging jobs in society working with some of our most vulnerable young people?

### Unlocking capacity

- There is greater capacity in our communities than we make use of. We should be asking how far we are prepared to go to explore different ways of working, in addition to looking at how we consider and manage risk. It is a spectrum but how can we unleash the potential of other local organisations and people, without making them fearful or overregulated?

**Proposal:**

Option 1 – Changing the regulations to make standards mandatory for local authorities

OR

Option 2 – Legislating to introduce a new quality and inspection regime

### **13. Which option, 1 or 2, do you think would most effectively raise the quality of independent and semi-independent provision?**

OPTION 2

### **14. Please set out the consequences and implementation challenges that should be considered when introducing new standards.**

- Same principles apply as set out in answer to question 18.

Proposal: Ensuring that young people's interests are appropriately represented by their IRO

**15. Do you agree that we should clarify statutory guidance, to ensure that IROs undertake visits to a placement to be able to assess whether it is meeting the needs of the child or young person and that they must send a report to the local authority to inform their decision making process about next steps for the individual child or young person?**

YES

**16. Please explain your answer.**

- As reflected in our other answers to this set of consultation questions, young people must always be viewed by their own unique circumstances. Any guidance which mandates that individual need be fully understood and used as the basis for decision-making is imperative to ensuring that all care-experienced young people lead a safe, healthy and purposeful life.

NLCBF Member:

*"I feel our authority has a very good IRO service and we have gained support from IROs in several situations where young people are not being heard or where social workers, in particular, aren't responding to or respecting a young person's wishes. So, I agree with this statement and feel we already have this in our authority."*

YPBMF Member:

*"I was once in a review where the young person led the meeting and made their own notes during the meeting. After the meeting, the IRO went through the notes he had made alongside the young person's notes and asked them what they wanted to be put on, if he had missed anything and if the young person wanted to add on."*

Proposal: Giving Ofsted new legal powers to act against illegal providers

**17. Do you agree that we should legislate to give Ofsted powers to issue enforcement notices to illegal unregistered providers before proceeding with prosecutions?**

YES

**18. Please explain your answer.**

## Accountability vs burden

- We must ensure that poor-quality provision is always appropriately challenged and held accountable, but we must be careful not to be driven by legislation and regulation. This is a small part of what we need to do but should not be seen as the driver.
- Some of the NLCBF members have commented that Ofsted restrictions can be part of the problem, demonstrating how they should never be viewed in isolation from the bigger picture.

### NLCBF Member:

*"Some children's homes won't take some of the older, more interesting young people because of fear that they will impact on their registration. So young people who have a history of absconding, arson, sexualised or violent behaviour are much less likely to have regulated placements. If the Ofsted process was more flexible about managing and working with risk, perhaps there would be less need for the unregulated, if the unregulated might be more willing to regulate. It's a bigger issue than the use of unregulated placements."*

### NLCBF Member:

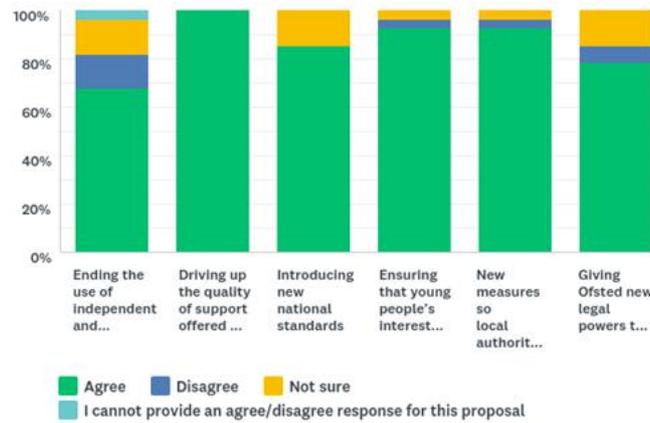
*"The approach Ofsted take to children's homes needs to change first: too many providers are rewarded for giving up on young people."*

- There is a real danger of becoming preoccupied with the current set up and therefore the starting point for a child entering the care system. Instead, the focus should be on where we want to get our young people to. What would be ideal for the life of one child, for your child – and how can we make sure that this is applied to everyone?

ENDS.

## APPENDIX I

Q4 From the following proposals which do you broadly agree with, disagree with or are either unsure or feel that you cannot provide an agree/disagree response. (please provide a response to each proposal - even if the response is 'not sure')



- 28 care leaver professionals from the NLCBF, including five care experienced participation workers, mentors, and ambassadors completed this survey over February and March 2020.