



Business plan 2020-21

March 2020

Contents

Introduction from the Children’s Commissioner	2
Growing up well	5
A ‘good schools’ index.....	5
Easy access to mental health care	9
Safety online and offline	11
Invisible and vulnerable children	13
Child poverty	16
Behind closed doors.....	18
Children in care	20

Introduction from the Children's Commissioner

In January I visited a boy who had been kept in isolation in a mental health unit for three months. Chris was in what can only be described as a cell. His belongings – a few clothes, a magazine, some trainers – were on the floor in the corner. The toilet was a few feet from the bright blue plastic mattress where he slept. He was watched 24 hours a day by three staff, including when he used the toilet and showered. He had been kept like that for three months.



His offense? He was autistic and sometimes struck out at staff when situations became stressful.

When did it become OK to treat children like this? Chris, at age 16, had been completely dehumanised. Staff kept their distance at all times, usually watching him through a viewing window. When I went to see him, they warned me not to get too near. Yet I was able to sit and chat with Chris in his room for over an hour.

Chris is a lovely boy, who just over a month later was moved into a new home, with proper specialist help. When I visited again, he was smiling. He still had more recovery ahead but he was on the way and the look on his face meant he knew that. His new accommodation was bright and spacious, and he had been able to go outside for the first time in months.

What always strikes me when I think of Chris now, is that three separate adults signed off that cell where I first met him as suitable accommodation for a 16 year old child. The NHS managers and the Care Quality Commission – not one of them raised a doubt about it. There must be many caring staff working in this system who are incredibly frustrated that children are not getting the right support. A girl in similar circumstances hit the headlines last year after her father protested about her care. She too was eventually moved into more suitable accommodation, but it took weeks of public campaigning by her Dad before it happened.

Often parents are warned not to protest the treatment of their children in mental health hospitals for fear staff will take it out on their kids – a shocking state of affairs. Which is why I agreed to chair the group overseeing NHS improvements to children's care in mental health units. We are demanding that no child is unnecessarily admitted to an inpatient unit when they could receive better care outside, that stays are shorter, discharges swifter, the environment more child-focused, and children's rights are observed by staff at all times.

This is my final year as Children's Commissioner, a post it has been a pleasure and a privilege to hold. We've spent the time relentlessly showing government where children are falling through gaps in the system - it's undeniable that there is a group of kids who are left out of the nation's progress. They fall out of school, have lower life chances and poorer health. Is the Government

willing to sacrifice 20% of children to this?¹ We've meticulously gone through every area where the social safety net does not exist for these kids – from social care support to schools and mental health services.

We have done so much to fill these gaps in knowledge, yet there is so much still to do. Particularly striking has been the Government's failure to take on some of this complex data collection work itself. From the services provided to children with lower level mental health needs, to the amount spent on speech and language therapy; waiting times for CAMHS appointments; movements of children within the care system; drug and alcohol treatment for teenagers; homeless kids; local safeguarding arrangements; and even, at the very most basic level of knowledge, how many children are locked up in this country at any one time and where – the lack of curiosity from government has been stunning.

I don't think it's random at all. It stems from, first, the splitting of responsibility for children between multiple departments and ministers, hence why I called in our Manifesto for Children last year for a Cabinet committee for children. Second, it stems from a hopeless 'lost cause' attitude – because no-one in government has been able to work out what should be done about all these children in crisis. Time and again they ask, 'What works?' To which the only true answer is, 'It depends'. What doesn't work is cutting services and doing nothing – failing to collect any data, shutting your mind to the problems until school exclusions explode, mental health teams are overwhelmed, and violence spills out onto the streets.

One piece of research we conducted last year explored children's feelings of danger on the streets. It arose from a consultation with kids for last year's business plan in which they kept mentioning, unprompted, how unsafe they felt. This is also not random. It arises from the interaction between social media – the swift exchange of news and rumour – with the lack of police on the streets; spiralling exclusions leaving more and more children for whom a gang is the best hope of a place to belong; from a lack of visible people in authority with the time and care to speak to these kids; and from poverty. Until government makes children a priority, tries to understand them better, collects the basic information it needs, and invests in improvements, these problems won't go away.

This is the challenge for government – this Government in particular with its strong mandate, which claims to believe in data, and has the time and power to change things for our most troubled kids. I've seen pieces of analysis here and there, organisations outside government working with local authorities to track the movements and risk factors of individual children. They can tell you precisely which kids are likely to end up homeless, or what are the signs that a child is at imminent risk of permanent exclusion. Yet central government (and there have been four different government administrations in my six year term of office) hasn't been interested.

It's for this reason that my business plan this year makes clear throughout what we know, what additional evidence we at the Children's Commissioner aim to collect this year, and what I believe government needs to do in order to grow the evidence base and inform sound policy. As I publish this business plan – which is a statutory responsibility – the country is in the grip of the early

¹ Children's Commissioner's Office Briefing: The children leaving school with nothing, 20 September 2019

stages of COVID-19, and schools have just been closed. We will do our best to deliver this plan of work but understand of course that government attention is elsewhere for the time being, and that we may be called upon to help in the fight against COVID-19.

The crisis will, however, pass. And then a government aiming to be bold and brave, wanting to recast the country as a confident global leader, comfortable in its own skin; a government that has recognised there are groups and communities left behind in modern Britain, and that has staked its future on levelling up – that government will still need to step up to the challenge of making sure all kids are part of their new Britain. It shouldn't require a visit from the Children's Commissioner to remind our public services that children are humans too.

A handwritten signature in black ink that reads "Anne Longfield". The signature is written in a cursive, flowing style.

Anne Longfield OBE
Children's Commissioner for England

Growing up well

A 'good schools' index

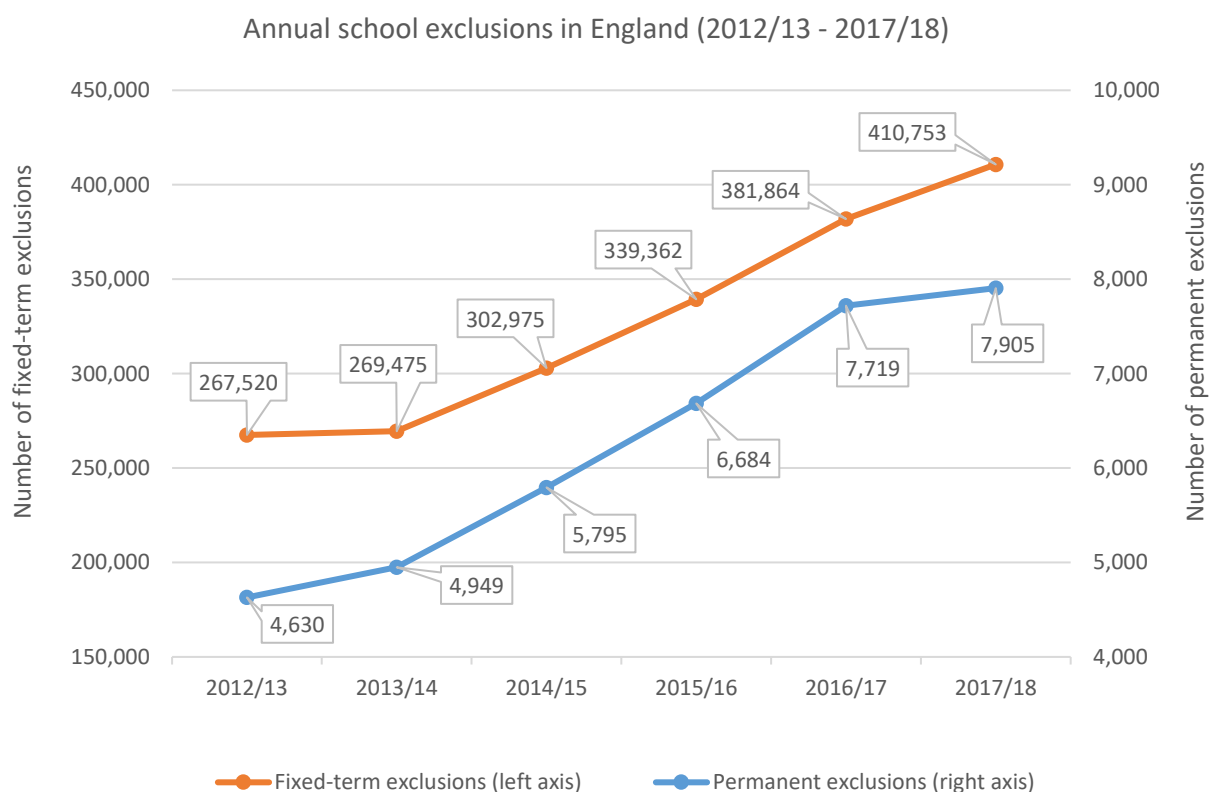
Last year we showed that nearly 20% of kids left school without basic Level-2 qualifications – the passport to numerous vocational and training opportunities.²

Children recognise the importance of school. We spoke to around 140 children face to face in writing this business plan, and many told us that they recognised that doing well at school will help them get on in life:

"You can get jobs quicker as well, with more opportunities. With them grades then you can go further with them, rather than having basic grades and then having to go search for ages getting a job" - Annie, 14-15, Secondary school

Look at the characteristics of any of the vulnerable kids in care, in custody or in other secure provision – a very high proportion of them have missed out on education. School is one of the most important protective factors in a child's life.

Yet the number of children excluded or exempted from mainstream education is soaring. Official figures show exclusions from both primary and secondary school rising sharply since 2012/13.



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² Children's Commissioner's Office Briefing: The children leaving school with nothing, 20 September 2019

³ <https://www.gov.uk/government/collections/statistics-exclusions>

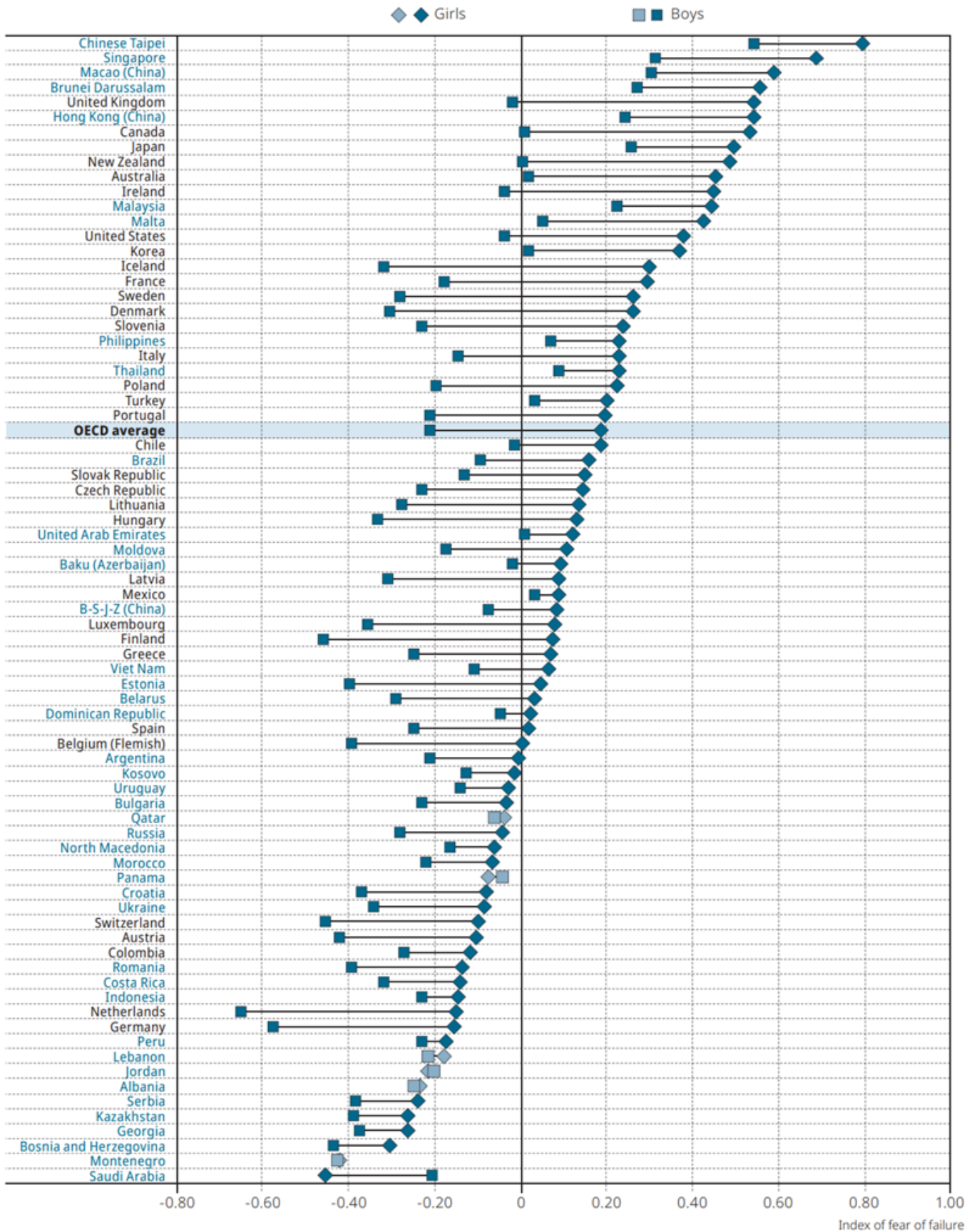
But that only tells a partial story. Many thousands more children are unofficially excluded, or are removed into home education because schools cannot meet their needs; or taught in institutions which are 'schools' only in name.

Cameron, 17, told us he felt like “[schools are] **not welcoming of people who are not neurotypical.** [they] don’t take into account that some people work very differently”

Last year we conducted the first ever national analysis showing the numbers of children removed from school rolls into home education for every school in the country; where there are unusually high numbers, it may sometimes be evidence of illegal ‘off-rolling’. We have taken the decision not to publish the analysis for the time being, in order not to add to the pressure schools are facing due to COVID-19. However, we have shared the data with the Department for Education and Ofsted, who will use it to inform their inspections. **This year we will collect data for a further year and publish the findings.**

We also want to keep the focus on making schools fit for all pupils who wish to be at them, by tracking persistent absence and its link to SEND, and publishing finer-grained data on what persistent absence means and what might lie behind it.

This analysis will inform a major new Index we will publish for the first time this year. Called the Good Schools Index, it will harness together data on exclusions, school selectivity and withdrawals into home education, and combine these with a new contextualised Progress 8 measure to show which schools are doing the best to include, encourage and educate all pupils, including those who have more trouble studying due to personal circumstances. Our hope is that parents will use this Index alongside Government data, which focuses heavily on exam results, when considering schools for their children. While England’s increasing improvement in educational attainment is of course welcome, we are concerned about the levels of stress being found among British kids. Last year’s PISA survey showed a starkly high fear of failure among children in the UK, particularly girls:



Note: Statistically significant differences between girls and boys are marked in a darker tone (see Annex A3).
 Countries and economies are ranked in descending order of the mean index of fear of failure amongst girls.
Source: OECD, PISA 2018 Database, Table II.B1.8.18.

Source: PISA 2018 (Vol 2) table

Our own survey of 1,924 children in England, conducted to inform this business plan⁴, also identified a cluster of worries over feeling stressed and sad; doing well at school; the environment; and, for teenagers, their appearance. By the age of 8 or 9, this pattern of stress and sadness and worry about exams is becoming established in children's lives.

Children we spoke to in developing our business plan also spoke about the stress of school and exams:

*"They [teachers] **can stress you out**. If you've got a big exam coming up they'll tell you every assembly how long you've got and the closer you get to it, the more stressful it is. Say for exams, they're already saying to us, 'You've got eighteen months, so be prepared,' and **it's just so stressful**"* - Ruby, 13-15, Secondary school

Children also spoke of the anxieties caused by very strict behaviour policies in schools:

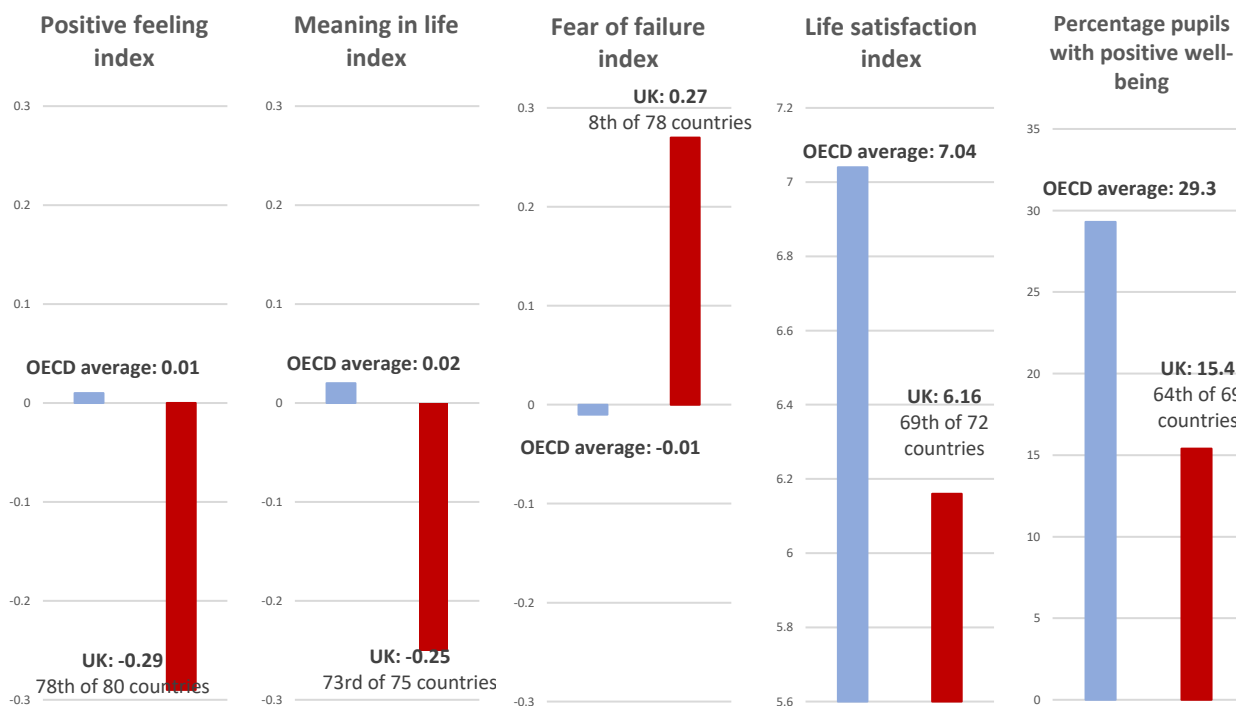
*"Our school as well, **they seem to care more about what shoes, or trousers and skirts and stuff that you're wearing rather than your education**. So they'd rather like stick you in isolation for a day for not having the correct shoes on, which makes your learning worse than actually caring about your learning"* - Jack, 15-16, Secondary school

Any child can fall prey to mental health problems and it is important that schools are an environment that supports children's wellbeing. Our hope is that parents will consider a more rounded view of schools than academic attainment alone.

⁴ <https://www.childrenscommissioner.gov.uk/publication/business-plan-consultation>

Easy access to mental health care

Numerous studies show teenagers' mental health worsening^{5,6} with soaring self-harm and rising suicide rates,⁷ particularly among girls. According to the OECD, the UK is one of just three countries with more than a quarter of 15-year-old pupils who report feeling dissatisfied with their lives. Just 20% - the world's 4th lowest percentage – feel satisfied.⁸



Source: OECD PISA results 2018 (Vols II&III) based on survey of 15 year olds

The UK also saw the biggest average drop (0.81) in its life satisfaction index score amongst 15-year-olds between 2015 and 2018 of all 45 countries surveyed by PISA. This fall was particularly pronounced among girls (0.88) and disadvantaged pupils (0.92).

Children tell us a lot of the problems could be curtailed were help available earlier, rather than only when they hit crisis point. Early help mental health services are therefore essential.

“I think people should get access to counselling faster, or even make more counselling things available for people. [...] the waiting list in our school was [...] three years, and three years waiting for counselling, that’s somebody’s life that could change within three years” Leah, 18 years old and living with HIV

Our analysis published two years ago showed spending on lower level, pre-specialist mental health support for children varied wildly around the country; from £3.93 or less per head in the

⁵ <https://files.digital.nhs.uk/A0/273EE3/MHCYP%202017%20Trends%20Characteristics.pdf>

⁶ <http://hbscengland.org/wp-content/uploads/2020/01/HBSC-England-National-Report-2020.pdf>

⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/suicidesintheunitedkingdom/2018registrations#suicide-patterns-by-age>

⁸ <http://dx.doi.org/10.1787/888934031047>

bottom quarter of areas to £15.08 per head or more in the top quarter.⁹ Expenditure on speech and language therapy, essential to raise the bar for so many children, is just as irrational: from 58p or less in the bottom quarter of local areas to £16.35 or more in the top quarter.¹⁰

Since publishing these reports, we have worked hard to persuade central government to collect this data for itself and to design benchmarks to improve accountability. Both the Department of Health and Department for Education have expressed interest, as have NHS England and the LGA, and ministers have made vague commitments. However, nothing has happened – a classic example of government not bothering to find out what is going on for fear of being held accountable.

Collecting this data is extremely time-intensive and requires a high level of technical expertise. We had hoped that the Department for Education would fund us to do this work again, but it has refused to do so. We therefore again urge central government to collect this data itself. Without knowledge of gaps in provision at the lower end of need, there is little hope of stemming the flow of children into higher tier services such as CAMHS, children’s social care and alternative educational provision.

⁹ <https://www.childrenscommissioner.gov.uk/publication/early-access-to-mental-health-support/>

¹⁰ <https://www.childrenscommissioner.gov.uk/publication/we-need-to-talk/>

Safety online and offline

Children's use of the internet continues to excite and challenge. Children tell us that playing online is an important part of their childhood and how they socialise with friends:

*"Because you **wouldn't have any way of talking to your friends** apart from playing out and I don't live around where everyone else lives. So, I wouldn't know when I had to meet up with them or anything"* - Mia, 10-11, Primary school

However, children also talk about the stress that being online can cause:

*"You could be staying on it till one o'clock in the morning, then if it's a school day you might get up at six o'clock, **so you only really got five hours' sleep**"* - Aaron, 13-15, Secondary school

*"For me, I **deleted my social media** because I realise I'm not happy, and I used to compare myself to a lot of girls on Instagram as well, but now I've deleted it, I feel much happier with myself"* - Jennifer, 17

In previous years we have explored children's use of social media and online games and made recommendations to government including for a duty of care to be established from digital platforms to children. **We are pleased the Government is now proposing to introduce a duty of care and will continue to press for it to be as robust as possible to protect children.** It's clear that social media companies are unwilling to self-regulate and address underage use of their services, the inappropriate targeting of content to children by algorithms embedded in the platforms, and the removal of material which damages and has even destroyed young lives. We should also not forget that parents also have an important role to play to prevent children accessing services which may do them harm.

Last year our report into online gaming found that some children are spending significant amounts of money in-game, including on loot boxes, which they pay to open without knowing what they will get. We called for these products to be recognised and regulated as gambling. **This year we will focus on the use of messaging services used by children, particularly those which are end-to-end encrypted such as WhatsApp, Apple iMessages and Viber.** More platforms are planning to become end-to-end encrypted, including Facebook Messenger. It is unclear if and how the forthcoming duty of care could apply to encrypted messages, which cannot be read even by the platform provider.

We know that children's use of these encrypted services has increased sharply: Ofcom report that WhatsApp in particular gained popularity in 2019 and is now used by 62% of 12-15s - up from 43% in 2018.

We also know that this leaves children vulnerable to abuse and exploitation. It is a joint responsibility between online platforms, Government, parents and schools to find a way of enabling children to harness the potential of the internet without attracting the harm that comes alongside it. There already exist social media platforms which are safe and secure for children to use and we hope the use of dangerous platforms and systems by children becomes publicly

unacceptable. **In the meantime, we will conduct research with children this year to explore their use of messaging services in more depth.**

Offline, a striking feature of the consultation with children we conducted for this year's business plan is a sense of public disorder. Children are understandably afraid of knife crime and terror attacks:

*"Because there's a lot of stabbings going on, you're scared that it could happen. Or robbery. **And you don't feel like you can go out by yourself.** You have to be with someone"* - Finn, 13-14, Secondary school

But it is not only serious crime that makes children afraid. They also speak of the impact of lower level disorderly behaviour on their fears and anxieties – things like litter, speeding cars and even the failure to recycle:

*"**Recycling.** Things that can be recycled, actually recycle them rather than just chucking them. And litter, rather than putting it on the floor, put it in the bin"* Annie, 13-15, Secondary school
*"You see litter everywhere. Some people can't even be bothered to **put rubbish in the bin.** They just throw it on the floor"* - Ruby, 13-15, Secondary school

Children tell us they want safer places to spend time with their friends:

*"Maybe more **things outside of school to get you and your friends together.** So, like groups to do different activities for more grown-up people, like teenagers, because there's not many things"* - Ayesha, 12-13, Secondary school

We know from work we conducted with children and teenagers last year that they do not trust the police to keep them safe – if they ever even see any.

We will continue to campaign for some of the additional police officers promised by the Government to be linked into schools, to rebuild trust between this generation and the police.

We will be working with the National Police Chiefs Council to ensure that its new child-centred policing strategy addresses the concerns children raised with us in our research on safety, in order to build trust and respect between children and police.

Invisible and vulnerable children

In 2019, we found that an estimated 2.3 million children are living with risk because of a vulnerable family background – more than a third of these, 829,000 children, are ‘invisible’ to the state and not receiving any kind of formal support.¹¹ Our data showed that an additional third, around 761,000 children, are receiving some kind of support but the level is unclear. For the first time we were able to publish maps for local authority areas and Parliamentary constituencies estimating the numbers of children living in households carrying high parental risks – domestic violence, mental ill health and substance abuse. We also have webpages where users can explore the data for themselves.¹²

In this business year, **we will publish individual maps and data for each local authority in England, showing as far as the data allows, the extent of childhood vulnerability in each area.** This will include the numbers of children living in vulnerable families, and of those the numbers who are ‘invisible’ to local services and not getting any help. **We will also publish local figures on the numbers of highly vulnerable teenagers who face combined risks such as falling out of the education and social care systems.** Government now has enough data to trace these children’s lives back and identify points where emerging problems could have been dealt with. **Using predictive analytics, we will show which younger children are already showing signs of risk and need help now, before their issues become so entrenched that the state has no choice but to intervene. For example, we will gather data on the link between persistent absence in Year 1 and later attainment, absence and exclusions.**

We will work to encourage the new, local area ‘multi-agency safeguarding partnerships’ – which ought to be predicting and providing services for local childhood vulnerability – to adopt our data in order better to understand the level of child need in their local area. Work we carried out last year showed how lower scores on the Early Years’ Foundation Stage assessment, which teachers undertake in reception year, can aid the prediction of a higher risk of a whole range of issues by the end of primary school, including un-diagnosed special educational needs, school exclusion or persistent absence. Given that all of these are key risk factors for future gang involvement, this shows we can use existing knowledge to identify some children at risk as early as age 5, or even before through existing health visitor checks, and this is when we should be helping these children. But this will only happen if health, education and children’s services work together proactively to identify children at risk rather than waiting for problems to emerge.

We also know, from analysis of children’s social care and Youth Offending Team data conducted last year, that children involved in gangs are 95% more likely to have emotional, social and mental health problems than other children known to social services; more than twice as likely to be self-harming; 41% more likely to have a parent who is misusing drugs; 37% more likely to have witnessed domestic abuse; and 37% more likely to have concerns recorded about missing education from school.

*“[Gangs] will see where you live, and then when you answer that, **they will give you drugs** and then they will keep you as a holder. And if a police sees you with that – if they know that*

¹¹ <https://www.childrenscommissioner.gov.uk/vulnerability-in-numbers/>

¹² <https://www.childrenscommissioner.gov.uk/our-work/vulnerable-children/children-in-families-at-risk-local-area-maps/>

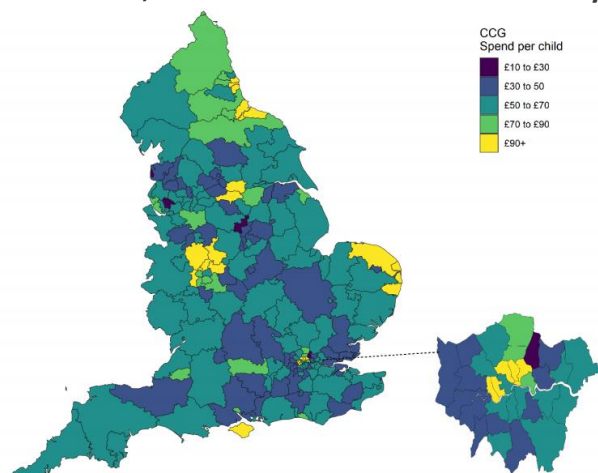
you're scared, yeah, they won't question you that much. And then if the person sees that you told the police and they'll come for you and they will attack you" - Joy, 10

This year we will shine a light on the operation of multi-agency safeguarding partnerships; assess where there are gaps in knowledge or planning for local children's needs; and hold them publicly to account. We have already undertaken a review of the form these arrangements have taken, and the plans they have committed to. **This year we will follow this up by examining their use of data to understand and combat the risks to children existing in their local areas. We will continue to work with local areas, by providing them with a greater level of local data from our vulnerability framework to inform local level planning.** The aim of our work is to promote local level collaboration in order to proactively identify children at risk, and working together to reduce these risks, in line with the new statutory safeguarding guidance.

In the Vulnerability Framework this year, we will also improve the definitions for children vulnerable due to disability or immigration issues, in order to better represent their needs in the framework. The new Data for Children partnership of ONS, UK Research and Innovation, Government and the University of Oxford, headed by the Children's Commissioner, will drive this framework forward as the best resource for understanding the needs of vulnerable children and families. It will also work across departmental silos to fill the gaps in what we know. Children's needs don't sit squarely within the confines of one particular agency, yet the data on them does. By driving new data linkages across agencies, Data for Children will help us understand the extent of multi-faceted vulnerability involving many services – such as the police, schools, mental health, youth justice and adult services.

Where data is missing on children's mental health services, we will continue to make statutory data requests of NHS England to highlight gaps in provision and pressure on services.

Last year we found a welcome improvement in specialist CAMHS provision, but wide variation across the country with some areas treating nearly all children referred to them and others turning away up to half or even in one LA, a woeful two-thirds of them. Spending on these specialist child mental health services varies from £14 to £191 per head around the country.¹³



Map showing variation in CYPMHS spending, from CCO (2020) *The state of children's mental health services*

Even if improvements in provision continue at their current rate, NHS specialist services will not be available for all kids who need them for another eight years. The Children's Commissioner's office is the only organisation in the UK tracking spend on, and access to, all children's mental health services. The NHS has much of this data; but does not publish the same analysis of it. Data-gathering powers under s.2F of the Children Act 2004 enable us to gather this data for analysis. **In 2020-21 we will repeat our mental health briefing for the 4th year. We will**

¹³ <https://www.childrenscommissioner.gov.uk/publication/the-state-of-childrens-mental-health-services/>

also collect detailed data from NHS England on children in inpatient wards (see 'Behind Closed Doors' section, below).

Child poverty

In 2018/19, 4.2m children were living in poverty, nearly a third of children in England¹⁴, an increase of 600,000 children since 2010/11. This increase has taken place most significantly for in-work families, with 72% of poor children now growing up in working families compared to 58% in 2010/11. For these children, being in poverty is not a statistic, but an inescapable and all-encompassing element of their lives:

*“I also think that if money was an easy thing, I would get a house that I can actually live in and **enjoy my childhood again**” - Zahira, 14, Child with a migrant background*

*“I have lots of just **rats just run around the house** and everything, and it’s not really good for my little sister’s health, because she just loves to run around and pick everything up that she sees and put it in her mouth” - Adebe, 10, Child with a migrant background*

Being in poverty affects children’s immediate well-being and long-term prospects. It worsens any other problems the family might be facing and takes away parents’ ability to make choices in the best interest of their children. Children told us about how poverty stopped them from feeling ‘normal’:

*“I **don’t feel like I’m a normal child, because I’m in a position where I can’t be a child**. If I had a house for myself, and my mother, I would bring a friend and we would go shopping and I would feel more safe about it because if they come over in my situation, the house is not proper... **you feel embarrassed because you don’t want anyone to know about your situation**” - Zahira, 14, Child with a migrant background*

*“You ask your mum can you go but they can’t afford it, and everyone in your whole class is going, like **you’re the only one that’s not going**, you’ll kind of feel sad and upsetand people will be asking you are you going to and you wouldn’t be able to answer, or some people would maybe lie, but really they know they’re not going. It really hurts them” - Arman, 12, Child with a migrant background*

Yet without significant changes to the tax and benefit system, dramatic improvements in the levels of support to alleviate poverty, child poverty is set to rise still further. Current projections are that by 2022, relative rates of child poverty will be higher than at any time since records began in 1961. By 2022 a majority of children in single parent families; in large families; or living in rented accommodation are expected to be in poverty¹⁵. Working families are not exempt: by 2023/24 nearly a third of children in these families will be in poverty.

Despite rising child poverty, no manifesto at the 2019 general election promised plans that would be likely to lead to a reduction in child poverty. The situation could easily get worse as the economic consequences of Coronavirus hit families’ jobs and incomes. We want to ensure that does not happen and will be pressing the Government to adopt urgent measures through the tax and benefits system to address this. But poverty will not go away once this crisis passes, and we remain concerned about the other social problems that we know poverty can exacerbate. **We want to highlight the interaction between poverty, vulnerability, SEND and social care needs,**

¹⁴ Defined as living in households below 60% of median income. Source: DWP, Households Below Average Income 2018/19

¹⁵ <https://www.resolutionfoundation.org/publications/the-living-standards-outlook-2019/>

and show how failure to address child poverty will lead to failures in many other policy areas which ministers say they wish to tackle, from gang-related crime to the rising costs of the care and SEND systems.

Behind closed doors

We regularly visit children in every type of secure setting – from mental health wards to secure training centres, from young offenders institutions to secure children’s homes. These are among the most vulnerable children in England, literally out of sight behind closed doors and often shrouded in secrecy and a lack of accountability. Last year we also identified over 200 children who were deprived of their liberty but not in one of these secure settings, who did not appear in any published statistics – nobody knew who or where they were. **This year we will continue to work with local authorities to try to fill this gap in public knowledge.**

Our work last year identified 250 children with a learning disability, autism or both – who should not be in mental health wards at all – locked out of sight in hospitals, half of them more than 30 miles from home¹⁶. On average they spent 8 months in inpatient care, often because services to help care for them in the community were unavailable; around one in seven had spent at least a year in their current hospital with their current provider. Parents are literally shut out; reviews are not undertaken when they should be; families were being silenced with gagging orders. The whole adds up to a frightening lack of accountability. We have been campaigning to have all children with learning disabilities and/or autism and no other mental health need moved out of secure hospitals, and to improve the experience and shorten the length of stay for those children with mental illness who do need to be in secure care. NHS England is currently convening a taskforce to improve the quality of care for children and young people with mental health needs in hospital, including those with autism and disabilities and the Children’s Commissioner is chairing the Oversight Group. **We will use our chairmanship of the Oversight Group to continue to press NHS England this forthcoming year to reduce inappropriate admissions and delayed discharges as well as significantly improve the quality of care children receive in hospital.**

Reflecting concern from parents and the Children’s Commissioner about lack of accountability in the system and perverse incentives to keep children under lock and key in privately owned hospitals, **we will also publish analysis of the ownership and profits of Tier 4 hospitals in the private sector.**

There are relatively few children locked up in England in all – a total of around 1,500 – but they tend to have the highest needs and be the most vulnerable to having their rights abused. For three years now the Children’s Commissioner’s office has reported on the numbers of these children – costing a total, we estimate, of over £300 million a year to care for¹⁷ – and on who they are and where they are. Last year we were granted modest additional government funding (equivalent to not much more than the cost of looking after one of these children for a year) to enable us to produce annual reports about this group of acutely vulnerable children. We remain firmly of the view that central government should be collecting and analysing this data in one place itself – for moral, social and fiscal reasons – but in the absence of any willingness to do so, **we will continue to collect and publish data on the whereabouts of children in secure care, despite the Government refusing to fund us to continue this work this year.**

¹⁶ 95 children were more than 30 miles from home, roughly half of those for whom distance from home was recorded

¹⁷ <https://www.childrenscommissioner.gov.uk/publication/who-are-they-where-are-they/>

Last year, we undertook a series of visits to children in children's homes and in residential special schools where they are effectively being deprived of liberty, and we will be reporting on their experiences and views shortly as part of our second annual 'Who are they? Where are they?' report. **For the third report in 2021, we will update the numbers and additionally focus on the reasons why children end up in secure care or deprived of their liberty, and what might have helped them to avoid it.**

Having found private providers resistant to allowing the Children's Commissioner to visit children in their care – which is her statutory right – we want to know much more about what their care is like, whether they are being discharged swiftly enough, and how to improve their experiences. Already we know that children across secure settings have a similar range of issues – from mental health problems to educational disadvantage and communication needs – and that there are more intelligent models for caring for these children, with better outcomes. In Norway and Sweden, for example, there are far fewer children in youth custody. Children we spoke to who had been released from custody demonstrated that we are not always getting this right in England, particularly for the most vulnerable:

*“Unless you meet good friends in there, [...] **you're on your own**. That's one place where you're in it, **you survive by yourself**. That's why it's so sad for people in there who are vulnerable, who are weak and that, you get me? It's just not a nice place for them” - Finlay, 17, YOT*

*“**Jail is not the place to send kids**, it does not help...all that's going to do he's going to go to jail he's going to meet different connections from all across the country there, you're going to be having fights every single day it's just **going to make kids worse**. There's only two ways it goes: you either come out a shell of a person who's expecting for everybody to call them a little shithouse when they're walking down the street, cos that's how it was for the last however long you were in jail, because they didn't do the fighting...Or you could go the other way and you're fighting every single day, potentially like getting stabbed 3 or 4 times while you're in there. **It's a downward spiral** [...] and what does it do to kids when they get out, they've got nothing....? No-one's helping you get a job, where you going to live? What you gonna do? You gonna do the same shit” - Toby, 16, YOT*

We are working across Whitehall to encourage ministers to develop more integrated and effective models of care in the youth justice system, and to expand and improve the secure schools model. We will also continue our work with local authorities, young offender institutions and secure training centres to improve resettlement planning for looked after children.

Finally, we will contribute to the Royal Commission on Criminal Justice to propose improvements in the way that youth courts operate.

Children in care

The Government has pledged a review of the care system following evidence presented to ministers by the Children's Commissioner of teenagers being placed haphazardly in last-minute, inappropriate accommodation, often at inflated prices to local authorities. The market in residential care is broken: it sees councils paying extortionate amounts for places, with the price often not matched by the quality. LAs can end up in financial auctions for places; it is not uncommon for placements for children with complex high needs – many of whom need mental health support but are not receiving it – to cost £250,000 a year.¹⁸ Local authorities tell us that more and more of their budget is being spent on fewer and fewer high needs children: one council spent over £10m last year on 50 or so children, which was five times their expenditure on early help supporting over 1,000 children.

We have argued within government that the care review should be broad in scope, independent and cross-departmental. Among the issues it needs to consider are the changing nature of demands on children's services, the need for fair and sustainable funding and significant variation in the provision and quality of services across the country. The aim must be to provide a system that responds to the needs of children and their families, not expecting children to meet the needs of the system.

To better understand local and national challenges in improving children's services, **the Commissioner will be visiting six areas currently rated as 'Inadequate' by Ofsted**, to:

- > Meet with the Chief Executive and Director of Children's Services to ensure that the wider issues facing vulnerable children within the local area are understood and prioritised by the local authority.
- > Engage the other statutory safeguarding partners, in order to understand to what degree the changes introduced by 2016 Children and Social Work Act have brought in a collective response to safeguarding failures
- > Consider whether the national strategy and specific interventions provided by the Department for Education are sufficient to enable these local authorities to improve their performance.

Last year, our Help at Hand service, which provides advice and help to hundreds of children in care and other vulnerable children each year, received many calls where children were living in unregulated placements such as hostels, caravans and rented holiday accommodation.

The number of children in care spending time in unregulated placements has increased by half since 2013; local councils do not have the places they need to house children coming into care. The median amount of time children spend in this unsupervised, often extremely poor quality and unsafe accommodation is over 3 months and rising. A report to be published by the Children's Commissioner shortly will explore children's experiences of these placements: a third will go missing, leaving them vulnerable to exploitation and abuse. Meanwhile the providers of the accommodation, three-quarters of them private, are making huge profits from them. Although

¹⁸ <https://www.childrenscommissioner.gov.uk/publication/evidence-submitted-to-the-hclg-select-committee-inquiry-into-funding-and-provision-of-childrens-services/>

the Government is consulting on banning the use of unregulated placements for children under 16, we don't believe any teenager in 'care' should be housed in unregulated accommodation and will be submitting detailed evidence to the care review on this issue. Government is going to have to invest in better accommodation for looked after children – if the private sector can make profits here then there is money for the Government to save or re-invest in children – or alternatively change the criteria for coming into care. Spending more and more on less and less adequate accommodation while pouring money into the pockets of private companies is neither rational nor effective.

The number of teenagers entering care rose by 26% between 2012/13 and 2018/19 (peaking in 2015-16).¹⁹ Yet it's questionable whether care serves them well as looked after children are often vulnerable to criminal²⁰ and sexual exploitation²¹ and substance misuse²².

If the care system exists to protect children from risk, it isn't doing very well by teenagers. **This year we will use social care data to identify a cohort of children aged 14 and 15 who have had a first or new episode of involvement with children's social care. We will examine their vulnerabilities and risk factors in their lives to learn what lies behind a child's trajectory into social care** at a time when they should be developing independence and interests beyond the home, and embarking on an important period academically. **We will track this cohort back in time to see whether there have been previous referrals, school absences or other opportunities to intervene which might have prevented them coming into care as teens**, where the prognosis for improvement in their lives is poor. **We will also speak to teenagers who enter care at 14/15 to identify what the data does *not* show about their lives**; through this we will demonstrate to the government's Care Review (a) what evidence can be tracked in order to intervene at the right time to steer children away from care and get them the right support (b) what data is missing which would inform more intelligent interventions at the earliest point of need.

Children in care often tell us how important stability is in their lives, but unfortunately for many children this stability is the very thing they lack, when they are forced to move home, or change school or social worker many times:

"This is my fifth [home]. I went in care six or seven years ago. I've been with this one for almost three years" - Layla 14, children in care

"I've had lots of different social workers" - Maya, 11, children in care

"I've had quite a few. They just leave. Either they are leaving the borough or something. Then a new one comes" - Jackson, 11, children in care

Our annual Stability Index has been accepted by government and local authorities as the gold standard data for tracking children's moves, experiences and instability within the care system. Thanks to this work, many local authorities now routinely monitor data on placement, school and

¹⁹ <https://www.childrenscommissioner.gov.uk/publication/stability-index-2019/>

²⁰ <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/CCO-Gangs.pdf>

²¹ https://www.sheffield.ac.uk/polopoly_fs/1.7600561/file/CSEPracticeResourceSen_June2017-1.pdf

²² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850306/Children_looked_after_in_England_2019_Text.pdf

social worker stability, and discuss it with Ofsted as part of their inspections. Our data is also being used by the DfE-led National Stability Forum to drive improved stability and better monitoring of the care system.

We have always said that this data – much of which DfE already gathers – should be published each year as part of the national statistics on children in care. That is why we have asked the Department for Education to take over publication of the Stability Index from next year and have given them options for how this can be done, including working in partnership for a year and sharing all of our code. **This year we will publish one last Stability Index update, focusing on trends over time and the links between instability and other outcomes. We will produce this data by region and local authority, sharing it with Ofsted to inform their inspections, and also sharing it with local authorities to help them understand where they can improve.**

Help at Hand

Our Help at Hand service provides advice to vulnerable children in the care of the state. Our advisers also act on behalf of these children, championing their views and wishes with the people that make decisions over their lives, whether that be social workers, or Directors of Children's Services. Over the last year we have helped children in care stay in their foster or children's home when they were being pressured to move and others to move home when they wanted to. We have helped children in mental health hospitals get better care, helped children in care get a good school place and have encouraged local authorities to improve their planning for children leaving custody to help them get the right start back in the community; we have helped care leavers get support that they had been previously denied and have made representations on behalf of children seeking asylum alone, so that they obtain their full entitlement to care from the Local Authority and get the information they need from the Home Office.

Over the last year, we have integrated our Help at Hand service within our wider policy and advocacy team, to ensure that the experience of our Help at Hand advisers on the frontline influences our policy and public affairs activity. This includes concerns over unregulated placements and children deprived of their liberty without judicial scrutiny, where shocking examples of the treatment of children have directly influenced our policy reports. Advisers from our Help at Hand team and policy colleagues have also visited a range of settings where children are living behind closed doors, accommodated by the state, such as children's homes, residential special schools and inpatient mental health units. We have taken up cases on behalf of children we have met in these settings and used these visits to further understand what needs to change for these children.

In the year ahead **we will expand the ways children and young people can contact us including through online forms and text messaging. We are also looking at ways to reach more of the most vulnerable children living behind closed doors who need our help most, through a combination of visits and a targeted marketing strategy.**

IMO

IMO – In My Opinion – is our digital network for children in care. A peer-led digital platform which serves as a meeting point for children in the care system and care leavers, it is somewhere they

share stories, experiences and achievements, get and give advice, and gain access to free opportunities and gifts. Launched in 2018, the project includes a website which receives 50,000 unique page views annually, social media channels with a combined following of 2,700, and a podcast series which has been listened to over 1,400 times. More than 2,300 free gifts have been given away on the site, ranging from cinema tickets to meditation app subscriptions. A writing competition to win 40 hours of free driving lessons was won by Abbey (21), with her poem:

[...] My life turned sour from six years old, the world was mine to roam and despite the struggles that I faced, I've learned what makes a home. I had to build on what I had, two black bags that were barely full, two t-shirts, a teddy and a broken toy, for a child, a life so dull.

I lived in 10 houses with my mother, some were broken and some great, each and every one of them have added to my fate. It's been a confusing life so far, everything I knew has now changed, I spent the majority of my childhood feeling cut off and estranged.

I have stayed with 11 foster families, all so different. Many places.

I have been assigned 14 social workers, all too busy. Many faces.

I have put my trust in dangerous places, I've made mistakes and I fell, I've climbed back up to the top of the ladder, now I thrive to do so well.

I have lost everything in my life so far, both of my parents are dead. My biggest achievement so far is that I get out of bed, I wake up to earn money just so that I can have breath, I work 37 hours a week whilst being suffocated by death. [...]

IMO has been supported in the past year by generous donations from, among others, Audible, Gravity, Breathe, Accenture, PureGym and Tastecard. Over 150 children in care councils and children's homes took part in user-generated campaigns and competitions and requested free items via the platform throughout 2019-20. We recently recruited four care leavers from across the country to work on IMO as digital coordinators, helping to improve and grow the platform. We launched a space on IMO in 2019 dedicated to sharing first-hand experiences and advice from care leavers who have gone to university, completed apprenticeships, and started careers. We also share job and apprenticeship opportunities for care leavers on this section of the site, and the Office for Students, among others, signpost to it from their guidance.

Series two of the IMO Podcast, a series of open and honest conversations with care leavers, will launch later this year. Some of the stories we hear in series one include what it's like to be LGBT+ and in care, how children in children's homes can too easily be criminalised for their behaviour, what it's like to be HIV positive and in care, and how it feels to be separated from your siblings growing up. These intimate, compelling conversations challenge negative perceptions of the care system and offer a fresh perspective on the often-hidden experiences of those who exist within it.

Children in care tell us they just want to feel normal and be treated like any other child, but all too often the fact of being in care makes this impossible:

*“We had a comment once... **You don’t look like you’re in care.** Everyone was like, what are we supposed to look like then?” - Holly, 11, children in care*

*“My carer would have to check with them everything before I go over there. That makes the **situation awkward** because if the friend that’s having the sleepover, if he didn’t want them to know that you’re in care, then they’re going to have to call their parents. People talk as well. Some people will tell everyone. Say you don’t want to go through the process of the parents know, they’ll think you’re not their good friend” - Caitlyn, 14, children in care*

We are now able to use IMO to garner the voices and experiences of looked-after children and shine a light into hidden corners of the care system, giving children ownership of how they tell their stories and a place to do it creatively on their own terms. **Over the next year we will place reaching children in residential care at the core of our strategy, by working with more children’s homes to create multimedia content showcasing the diversity of experiences in residential care, and to bring the views of these children directly to decision makers.**

Advisory board

The Children's Commissioner's advisory board challenges and advises the office about its work. It meets four times a year. We recruit through open advertisement as positions fall vacant and attendance is recorded and published as part of the annual reporting cycle.

The advisory board's current membership is:

- > Sophie Humphreys OBE
- > Josh MacAlister
- > Dr Jacqueline Sebire
- > Rt Hon Jacqui Smith

Budget

The Office of the Children's Commissioner budget is £2,484,000, amounting to 21 pence per child in England.

United Nations Convention on the Rights of the Child

The work programme for 2020-21 relates to the following articles in the UNCRC

Piece of work	Article
We will collect data showing the numbers of children removed from school rolls into home education for every school in the country for a further year, and publish the findings.	2, 3, 28, 29, 30
Analysis of school exclusions will inform a major new Index we will publish for the first time this year. Called the Good Schools Index, it will harness together data on exclusions, school selectivity and withdrawals into home education, and combine these with a new contextualised Progress 8 measure to show which schools are doing the best to include, encourage and educate all pupils, including those who have more trouble studying due to personal circumstances	2, 3, 28, 29, 30
We are pleased the Government is now proposing to introduce a duty of care, and will continue to press for it to be as robust as possible to protect children.	3, 5, 12, 17, 19, 31, 36
This year we will focus on the use of messaging services used by children, particularly those which are end-to-end encrypted such as WhatsApp, Apple iMessages and Viber.	3, 5, 12, 17, 19, 31, 36
In the meantime, we will conduct research with children this year to explore their use of messaging services in more depth.	3, 5, 12, 13, 14, 15, 16, 17, 19, 31, 36
We will continue to campaign for some of the additional police officers promised by the Government to be linked into schools to rebuild trust between this generation and the police.	3, 19, 31, 32, 33, 34, 35
We will be working with the National Police Chiefs Council to ensure that its new child-centred policing strategy addresses the concerns children raised with us in our research on safety, in order to build trust and respect between children and police.	3, 19, 31, 32, 33, 34, 35
We will publish individual maps and data for each local authority in England, showing as far as the data allows, the extent of childhood vulnerability in each area	3, 4, 6, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 34, 36, 42
We will also publish local figures on the numbers of highly vulnerable teenagers who face combined risks such as falling out of the education and social care systems. Using predictive analytics, we will show which younger children are already showing signs of risk and need help now, before their issues become so entrenched that the state has no choice but to intervene. For example, we will gather data on the link between persistent absence in Year 1 and later attainment, absence and exclusions. We will work to encourage the new, local area 'multi-agency safeguarding partnerships' – which ought to be predicting and providing services for local childhood vulnerability – to adopt our data in order better to understand the level of child need in their local area.	3, 4, 6, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 35
This year we will shine a light on the operation of multi-agency safeguarding partnerships; assess where there are gaps in knowledge or planning for local children's needs; and hold them publicly to account.	3, 12, 19, 31, 33, 34, 35, 36
In the Vulnerability Framework this year, we will also improve the definitions for	2, 3, 9, 10, 18, 19,

children vulnerable due to disability or immigration issues, in order to better represent their needs in the framework. The new Data for Children partnership of ONS, UK Research and Innovation, Government and the University of Oxford, headed by the Children's Commissioner, will drive this framework forward as the best resource for understanding the needs of vulnerable children and families. It will also work across departmental silos to fill the gaps in what we know.	20, 22, 23, 25, 26, 27, 30
Where data is missing on children's mental health services, we will continue to make statutory data requests of NHS England to highlight gaps in provision and pressure on services.	3, 6, 24, 25, 39
We want to highlight the interaction between poverty, vulnerability, SEND and social care needs, and show how failure to address child poverty will lead to failures in many other policy areas which ministers say they wish to tackle, from gang-related crime to the rising costs of the care and SEND systems.	3, 6, 19, 20, 23, 25, 26, 27
This year we will continue to work with local authorities to try to fill the gap in public knowledge about children who are deprived of their liberty but not in a secure setting (on mental health wards, in secure training centres, young offender institutions, or secure children's homes).	3, 6, 12, 19, 23, 24, 25, 27, 36, 37, 40
We will use our chairmanship of the Oversight Group to continue to press NHS England this forthcoming year to reduce inappropriate admissions and delayed discharges as well as significantly improve the quality of care children receive in hospital.	3, 6, 12, 19, 23, 24, 25, 27, 36, 37, 40
We will also publish analysis of the ownership and profits of Tier 4 hospitals in the private sector.	3, 20, 24, 37
We will continue to collect and publish data on the whereabouts of children in secure care, despite the Government refusing to fund us to continue this work this year.	3, 6, 12, 19, 23, 24, 25, 27, 36, 37, 40
For 2021, the third report, we will update the numbers and additionally focus on the reasons children end up in secure care or deprived of their liberty, and what might have helped them to avoid it.	3, 6, 12, 19, 23, 24, 25, 27, 36, 37, 40
We are working across Whitehall to encourage ministers to develop more integrated and effective models of care in the youth justice system, and to expand the secure schools model across the entire network. We will also continue our work with local authorities, young offender institutions and secure training centres to improve resettlement planning for looked after children.	3, 6, 12, 19, 23, 24, 25, 27, 36, 37, 40
Finally, we will contribute to the Royal Commission on Criminal Justice to propose improvements in the way that youth courts operate.	3, 12, 13, 36, 37, 39, 40



Children's Commissioner for England
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gov.uk
Visit: www.childrenscommissioner.gov.uk
Twitter: @ChildrensComm