

Children’s Commissioner’s proposals to support children in care

Children in care have the same aspirations and ambitions as any children, but they need stronger foundations – across their home lives, education, health, and transitions to adulthood.

What children have told us

When the state looks after a child on behalf of their family, it is incumbent upon it to replace the love and support that every child should expect from their parents. The Big Ask found that for some children, care *has* given them new loving and supportive relationships around them. As one care leaver said: ‘I know where I want to be in life, I know what I want to do, I know my aims, I know my dreams. I think ‘cos I’ve got that support around me, I am able to fulfil my dreams and what I want to achieve’ *Girl, 21*.

Nevertheless, it was clear that they are more likely to feel unhappy with their lives than other children. Their most pressing concerns revolved around how they were being cared for – including disagreements with decisions made about their lives by their corporate parents. As one care-experienced child told us: ‘I wasn’t so concerned about the pandemic itself, I was more concerned about social services trying to bring me back into care’ *Boy, 17*.

The research revealed that children in care predominantly want the things which many other children take for granted – like a stable, nurturing home, loving relationships and getting into and remaining in a good school. As one care leaver said: ‘I don’t think it’s fair on children if they create a bond with a social worker and then a few months or years later you have a new social worker and you have to rebuild that bond’ *Girl, 19*.

Parents are still there for their children when they reach 18. For children in care, their future worries were magnified by the prospect of having to face early adulthood without the support networks most children have.

What this means for policy now as we come out of lockdown

Based on what children told us, this briefing lays out a series of immediate policy solutions which match the top priorities raised with us by children in care. These come under four key areas:

- 1) **Improving stability for children** – primarily through investment in residential children’s homes.
- 2) **Helping children in care to succeed in school** – an environment they told us matters to them so much.
- 3) **Improving access to mental health support**, so they can access support whenever they need it.
- 4) **Establishing a better safety net for children when they leave care**, so there is not a cliff edge for them.

The policies we think will benefit children now

1) **Improve stability for children**

Investment in additional homes for children in care. Just over 1 in 10 children in care (8,000 children) had to move home at least twice in 2018/19.

Moving homes sets off a domino chain of disruption across children's lives and is one of the biggest problems with the care system. Instability often comes down to there being insufficient suitable homes for children. Many organisations have emphasised the need for more homes, most recently the Supreme Court which highlighted a shortage of secure accommodation.¹ Elsewhere, others have stressed the need for more foster carers, notably Ofsted which is seeing demand far outstrip supply and the Social Market Foundation which pressed for quality of homes alongside quantity.² The long-term vision should be to reduce the number of children coming into care, and in particular the number needing residential care in relation to foster care. However, the short-term reality is that more safe and secure homes are urgently needed now. The CCO is recommending a new fund of £300 million over the spending review period, and ringfencing £150 million of this for secure (as below), to support additional placements for looked after children across residential and foster care, including secure and semi-secure children's homes.

Vision for the fund. Investment in new homes should not only increase the number of beds, but provide innovative, flexible models to achieve better outcomes for children – including developing existing homes. As local authorities have a responsibility to ensure local sufficiency, they should be required to match fund any money they receive from Government. The central fund should be open to bids from local authorities, voluntary and community organisations with plans to expand and improve homes for children, with priority towards applications which:

- a. Are from areas with the greatest need for additional homes, and thus enable children to stay local to their home areas.
- b. Provide a highly therapeutic environment, with the ability to respond flexibly when children's needs change. Ideally, homes would be commissioned in conjunction with an NHS partner to provide therapeutic input.
- c. Explore options for shared care and respite care arrangements for struggling families.³
- d. Are targeted towards teens, children with complex needs, disabled children, unaccompanied asylum-seeking children and sibling groups.
- e. Cater for children remanded to local authority care, including foster care, to reduce the number of children remanded to youth custody.

Secure care. As a direct response to recent Supreme Court and High Court judgements, the CCO proposes that £150 million of the new fund for placements should be ring-fenced for secure homes, including children who have committed offences and children who fall between secure welfare and secure mental health provision - children such as child Y who was at high risk of suicide but turned away from in-patient care as their needs were deemed to be trauma-based.⁴ This

¹ In the matter of T (A Child) (Appellant), *Supreme Court*, 30 July 2021, [link](#).

² Capacity in foster care stalling, despite rising demand, *Ofsted*, 12 November 2020, [link](#). Growing need means 77,000 children will need foster care, *Social Market Foundation*, 25 June 2021, [link](#).

³ Shared care involves arrangements which enable children to live between the care of their families and accommodation provided by the state.

⁴ [2021] EWHC 1982 (Fam), *England and Wales High Court (Family Division) Decisions*, 14 July 2021, [link](#)

should be available for local authorities, Clinical Commissioning Groups (CCGs) and Integrated Care Systems (ICSs) to bid into, which would allow them to jointly commission services for these children in secure or non-secure children's homes. The fund could draw learnings from the Integrated Care Fund recently introduced in Wales, where regions are being encouraged to jointly commission residential provision between health and social care.

In addition, more needs to be done to address the problem of children being bounced between different systems of providing secure care. The CCO is proposing that the Department for Health and Social Care (DHSC), the Ministry of Justice (MoJ), NHS England and the Department for Education (DfE) work together on a strategy to integrate secure care for children with a view to improving the national and regional commissioning of such support, with pooled budgets and better step-down provision.

New measures to stop notice being served on children to move out of their homes. The CCO's Help at Hand service helps children in residential care who have been made to leave their homes at short notice. The office's experience is that the statutory regulations and guidance to protect children from being ejected at short notice are too often breached. This causes significant upheaval and trauma for the children involved. Changes are needed in four respects to repair this process:

- a. More accountability on local authorities to follow the current regulations and guidance. The current rules state that notice can only be given after a review of the child's case by the Independent Reviewing Officer (IRO), but the office's experience is that this does not always happen. There should be more scrutiny of IROs' responsibilities in Ofsted inspections and clearer processes need to be available for children and homes to object if protocols have not been followed.
- b. The DfE should pilot a new national mediation service to advise homes on how they keep children in their care safely, even where there have been serious behaviour incidents, and to help resolve disputes around placement moves. This should examine the role of health services in supporting homes to manage difficult behaviour.
- c. A new requirement that IROs visit every placement a child stays in, so they are better informed when they conduct reviews. Where children are living somewhere long-term, these visits should happen at least once a year.

Strengthen children's rights to live with their siblings in care. Achieving stability for children also comes down to making sure that their closest relationships can continue in the strongest possible sense. Research in 2020 found that than half of sibling groups in care are split up.⁵ This is an issue the care review has highlighted and which Scotland has recently taken steps to improve via a legal duty on local authorities to support children to stay with their siblings.⁶ The CCO would like to see Government explore legislation in England which does the same, which would give siblings these rights in law.

⁵ Thousands of siblings split up in care system, *BBC*, 14 January 2021, [link](#)

⁶ Keeping brothers and sisters together, *Scottish Government*, 26 July 2021, [link](#)

2) Policies to help children in care to succeed in school

Children in care have lower levels of GCSE attainment than other children, even when compared to children still living with their families under Child Protection Plans.⁷ Disruption to education caused by moving homes is a large part of this. Some children miss whole terms and even years of school because of being moved, and this is more likely for children in care who are living further away from home.⁸

Establish more consistent frameworks to identify vulnerable children missing from education. The systems to monitor children not in school need to be improved so that any gaps in learning are immediately clear. This should involve:

- a. A consistent framework to record the information Virtual School Heads (VSHs) hold, record and submit to Ofsted to improve identification of children missing from full time education. This would include a uniform template for VSHs covering attendance, progress, exclusion, employment and training.
- b. A requirement that VSHs record the number of education hours per week for children receiving private tuition and online schooling instead of **being enrolled and present at** school. This would be submitted by VSHs to Ofsted and should be a key point of their evaluation.
- c. A new requirement on VSHs to notify the DfE and Ofsted when children under their care are out of school for a period longer than one month.
- d. The DfE is currently funding a pilot to extend the role of VSHs to all children with a social worker, following the recommendations of the Children in Need review.⁹ The CCO believes this should be made permanent.

Expand Pupil Premium funding after age 16 to keep children engaged and supported in education. Pupil Premium currently ends when children turn 16. Yet vulnerable teens continue to need targeted education support beyond 16 and become more likely to disengage without it.¹⁰ In recognition of this, the DfE has introduced a Pupil Premium Plus post-16 pilot to support looked after and previously looked after children.¹¹ The CCO would like this pilot to be rolled out nationally.

3) Policies to improve access to mental health support

Looked after children are four times more likely to suffer with their mental health, and a third of those in youth justice settings have a mental health

⁷ In 2019/20, 7% of children in care for less than 12 months achieved grade 5 or above in English and Maths GCSEs compared to 50% of children not under social care services and 11% under CP plans.

⁸ Children placed out of area are over twice as likely to miss a term of school or more (5%) than those than those living closer to home (2%). Source: Pass the Parcel, *Children's Commissioner's Office*, December 2019, [link](#)

⁹ Virtual school head role extension to children with a social worker, *Department for Education*, 16 June 2021, [link](#)

¹⁰ The 16-19 bursary is currently available for vulnerable young people over 16 but the amount is subject to assessment therefore not guaranteed.

¹¹ Pupil Premium Plus post-16 pilot, *Department for Education*, 1 July 2021, [link](#)

problem.¹² Yet many still do not meet the thresholds for therapy, or have to endure long waiting times. Some children referred to the CCO's Help at Hand service are denied treatment or embroiled in disputes between services because their difficulties are defined as trauma, rather than mental health difficulties. The CCO's Proposals to Support Children's Health paper outlines a broader set of measures to improve children's mental health services. However, the CCO also wants to see the following measures targeted at children in care.

Improve the recognition and response to trauma within CAMHS and the care system. The CCO would like to see stronger recognition of trauma within CAMHS assessments and access thresholds, with a clear national policy drive towards supporting children who have suffered trauma.

Increase trauma awareness training within children's social care. While this is common among social workers, and many children's homes already provide high-quality training for all staff, it is not universal. The CCO would like to see trauma-awareness training rolled out for all staff working in children's social care.

Increase clinical therapists based in children's social services departments. Clinical therapists based in children's social worker teams can directly help children with their mental health while supporting social worker decision-making and acting as a bridge with CAMHS.¹³ Funding for clinicians based in children's social worker teams (including leaving care) should therefore be a key priority for the next DfE social care improvement funding.

4) **Policies to establish a better safety net for children when they leave care**

For most children, life does not change dramatically on the day of their 18th birthday, yet most care leavers instantly experience a marked shift, from having to move out of their homes to start claiming benefits. Everyone needs to work together to tackle this 'cliff edge' through a cohesive programme of support to boost the life chances of care leavers.

Improve the support given by Universal Credit. While we need to be more ambitious for children leaving care, the reality is that many rely on Universal Credit once they turn 18. To improve the stability of children leaving care, the CCO would like to see 3 simple reforms made to the support available to care leavers:

- a. Care leavers should be able to claim the higher rate of Universal Credit (normally reserved for those aged over 25), in recognition of the fact that unlike most under-25s, care leavers will not receive financial or practical support from parents.
- b. Care leavers should be able to begin their claim 6 weeks before their 18th birthdays so they have this support in place when they leave care.
- c. The CCO would like to see the personal allowance within housing benefit increased, in line with the rules for Universal Credit, so that young people

¹² CAMHS – facts and figures, *LGA*, accessed 31 August 2021, [link](#)

¹³ Reclaiming Social Work Part 1: Independent Evaluation, *Human Reliability Associates and LSE*, April 2010, [link](#)

in supported accommodation do not face an income cliff-edge when transitioning into work. At present, differential income thresholds between Housing Benefit and Universal Credit mean that work does not pay for those in supported accommodation.

Guarantee housing for care leavers by giving them priority status wherever they live until age 25. Care leavers placed away from home by their local authorities are frequently denied priority status for local housing in their new areas, even in places they have lived for many years. Care leavers need to be given priority within the social housing allocation scheme in either the local authority that placed them in care, or the local authority they moved to, if they lived there as a looked after child for over 18 months.¹⁴ Care leavers should have this priority status until age 25, not age 21, in line with other responsibilities on corporate parents.¹⁵ To support care leavers renting privately, all local authorities should act as guarantors, rather than this being at the discretion of each area. Council tax exemption for care leavers too should be a guarantee wherever they live to end the current postcode lottery.¹⁶

Stabilise education funding and continue incentivising training opportunities.

- a. **Further education:** As it stands, care leavers over 19 are not eligible for further education bursaries, which restricts their opportunities after this age.¹⁷ Discretionary bursaries for those over 19 exist, but are only for those with Education Health and Care plans (EHCPs) or who are continuing on a course they have already started. The eligibility criteria should therefore be widened to include children over 19 who have been on Child Protection plans and under care orders previously.
- b. **Higher education:** Young people who have been in care are less likely to progress into higher education than those without a care history (around 12% vs. 42%); and those who do start university are less likely to finish their courses.¹⁸ Yet those who get the right support flourish. The Higher Education bursary rate should be increased to £2,000 a year in every area to bring fairness and consistency across the country. Care leavers should be allowed to stay in their accommodation all-year-round if that is their preference.
- c. **Vocational training:** The CCO's Proposals to Support Children into Work paper presents proposals for bolstering vocational skills, especially among disadvantaged young people. Many of these solutions, such as continuation of the Kickstart scheme, stand to benefit all young people, yet more can be done to level up priority groups of young people. The £3,000 incentive payment for employers hiring a new apprentice, for example, should be retained after 30th September 2021 for apprentices who have an EHCP, are subject to a Child Protection plan, or who have care experience.¹⁹

¹⁴ Currently this only applies if they lived there for more than two years

¹⁵ Care leavers can now be supported by a Personal Advisor up to age 25 if they want this.

¹⁶ This already happens in many areas.

¹⁷ 16 to 19 Bursary Fund, Gov.uk, accessed 31 August 2021, [link](#)

¹⁸ Care leavers in higher education, LSE, 11 January 2019, [link](#)

¹⁹ Incentive payments for hiring a new apprentice, *Education and Skills Funding Agency*, 10 August 2020, [link](#)