

# **Children's Social Care Strategy: consultation response**

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September 2023

## Foreword from Dame Rachel de Souza



Keeping children safe is the most important thing any society can do, and my responsibility towards children in care and those with a social worker is the one I hold most dear. The children's social care system is one of the most important mechanisms the country has for keeping children safe, and there is urgent need for reform. The Department for Education set out its plans for reforming children's social care in its Stable Homes, Built on Love consultation.

In my time as Children's Commissioner, I have met with and consulted children involved with every part of the children's social care system, I heard from 5,900 children in care and 13,000 children with a social worker in my Big Ask survey, and established my own Care Experienced Advisory Board. It is clear to me that while these children often speak highly of individuals working within the system, they have too often been let down by the system as a whole. I have seen that too often the basics that we should expect for any child – that they can live in a safe and loving home, with their siblings, with someone to advocate on their behalf – are not in place.

Too many children - nearly half - are living in areas where children's social care is rated 'Requires Improvement' or 'Inadequate'. We must not suffer the bigotry of low aspiration. We can't reliably say whether the system is achieving the outcomes we want for children; children fall through the gaps between services because the data and technology is not up to scratch; reform programmes often only

touch on one element of a child's life without seeing them as a whole – that mental health, education, disability, and social care need to work alongside each other.

That is why a national strategy for children's social care needs to be as ambitious as we are for our own children. Children with social workers and in care have the same right to a loving home, a great education, and a brilliant future as all other children, but too often those ambitions are not realised. Too many still grow up in institutions. We focus on minimum standards not ambitious expectations. Sadly, that is not just what I believe to be true, but also what children tell me themselves. Every child in care needs a loving home, where they receive care, until the age of 18 at least. We need to focus on needs not on arbitrary cliff edges and thresholds.

We do not always have the right information to tell us what services are received by which children, whether and how children are helped by the services they receive, or if they achieve their goals; sometimes it is not even clear what those goals are or should be. We need everyone to be the corporate parent, and truly do as we would for our own children.

Across the country brilliant social workers, family support workers, teachers, health visitors, mental health practitioners, residential care workers, foster carers, kinship carers and so many more are doing everything they can to help some of the most vulnerable children in the country. I want to pay testament to that work, but it is now time for everyone working with and for children to match that ambition.

Since the early 2000s we have seen a transformation in schools. Outcomes have been radically improving. It has revolutionised education for millions of children. But if we now do not focus on the services around schools, supporting the most vulnerable children, those who are not in school and those with additional needs, we risk hitting a glass ceiling on attainment and outcomes. Without an effective social care system, not only will children be at greater risk of suffering harm, or living unhappier lives than they should, but the ambitions for children's education will also not be met. Schools can do a great deal, but they can't do everything. There is one institution more powerful and more transformative than a school, and that is the family. It is the job of children's social care to support families, so that they in turn can support the children within them to thrive. Where a child cannot live with their birth family, we must provide a loving, familial alternative.

That is why a strategy is welcome. And there is much good sense in these plans – a focus on stability, love and putting children at the heart of the system. But for it to succeed what is needed is a

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commitment to give it the energy and attention it deserves, and a clear plan for how they will put reform into practice. I sit on the National Implementation Board for this strategy so will continue to advocate for reform to happen at pace and with the necessary resource. I will also continue to conduct my own research – on older children experiencing homelessness, on the provision of advocacy – in areas where more thinking is needed.

Within this response, I set out my views on the strategy consultation in more detail. In order for change to be delivered there are several over-arching themes that are needed:

- A fully resourced strategy for nationwide improvement, so that every area is good or outstanding
- Improved cross-Government working
- A Children Act that works for today
- A clear and cohesive alignment between the Children’s Social Care Framework and SEND and Alternative Provision National Standards

## **Fully resourced strategy for nationwide improvement**

Firstly, there needs to be a clear headline ambition for every area to be ‘Good’ or ‘Outstanding’ by 2030. While Ofsted will never be a perfect measure, it can and should reflect whether areas are achieving for children against appropriately chosen metrics. In order to achieve this there needs to be a clear strategy in central Government to focus on maintaining and improving areas that are good or better, and intervening early to support areas that are not yet good. The current strategy relies heavily on introducing pathfinders in local areas to test out new ways of working, to build an evidence base. More evidence of what works is always useful, but it is worth noting that the DfE’s own Innovation Fund for children’s social care which ran from 2014-2020 for many years, and the What Works Centre for Children’s Social Care is now well established. This strategy should be a moment to invest in what we know works, have robust and continual local and national accountability for whether outcomes are being achieved, in order to drive improvement across the whole country. It is essential that it is not assumed findings from pathfinders will spread by osmosis; there needs to be clear focus on translating local pathfinders to national strategy.

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To do this well will require strategic use of the newly introduced children's social care outcomes framework. The Children's Commissioner has submitted a fuller response to the consultation on that framework here. While it is a welcome first step, if it is to really lay the groundwork for driving continual improvement, it needs to be much more focused on genuine outcomes. The measures included in the framework as it stands are currently a collection of metrics, most of which are already collected, which will tell us a great deal about children's social care processes. What they will not do is show us whether genuine outcomes for children are being achieved. The Children's Commissioner has produced a high-level outcomes framework for children, which could be used as the over-arching aims for services. Once these outcomes are agreed, the framework must ensure that they can genuinely be measured.

## **Cross-government working**

Secondly, this strategy must be a shared, cross-government strategy. Brilliant children's social care is a necessary, but not sufficient, element in making sure that children are safe and supported to thrive. Family Hubs, the Start for Life programme, the Supporting Families programme, Reducing Parental Conflict programme, health visiting, children's mental health services, SEND provision. All of these are an essential part of a functioning ecosystem of support for families. Yet the strategy is too quiet on how they will fit in to a reformed social care system, and how central Government will hold local areas to account for outcomes achieved for children when responsibility for these programmes sit across many departments beyond the Department for Education. Again, an improved outcomes framework could address some of this. For example, it is notable that the long-term outcomes set out in the children's social care outcomes framework do not align with those in the Supporting Families outcome framework. This strategy should be an opportunity to ensure that all programmes sitting across Government are fully aligned with the children's social care strategy and its outcomes framework. Likewise, the introduction of a Consistent Childhood Identifier is essential, so that children can be matched between different systems, allowing different agencies to work together more seamlessly.

This need for cross-Government working at the national level is particularly essential for some of the children with the highest level of need – including those children in custody or deprived of their liberty in other places. These are children living away from home, in the care of the state, who often have complex mental and physical health needs. All these children deserve to live in a place where

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they can receive care which will help them to recover and re-integrate into their communities, but this does not always happen. The Children's Commissioner is particularly concerned about the type of setting that those children deprived of liberty under the inherent jurisdiction of the High Court are living in. The strategy rightly notes that more is needed to address the lack of placement sufficiency for these children, but the proposed solutions are at the regional level. A national strategy is needed from the Department for Education, Ministry of Justice and Department for Health and Social Care to consider what kinds of placements are needed for these children, and how they should be commissioned. The implementation plan should focus on ensuring that all Young Offender Institutions are closed, and that all children in custody become looked after children.

As the Illegal Migration Bill moves through parliament, it is also essential that the Home Office and Department for Education work together to understand what the safeguarding and care needs of children who may no longer be able to seek asylum will be, and how duties under the Children Act 1989 and the Borders, Citizenship and Immigration Bill 2009 can be fulfilled. The Children's Commissioner is concerned it will leave children exposed to higher risk of exploitation and abuse, if their legal status is less secure, and is deeply concerned about how and where children will be accommodated and detained.

## **A Children Act that works for today**

Alongside a national Government focus, this strategy should be an opportunity to think afresh about what children's social care looks like in 2023, and what the most significant changes have been since the Children Act 1989.

The Children's Commissioner's view is that some of the most significant changes have been about harms that have taken place outside the home, the needs of older children, and the online world.

The strategy notes the importance of tackling extra-familial harms, and this has been perhaps one of the most significant shifts in children's social care practice since the Children Act 1989 was introduced. That Act was framed around protecting children from harm within their homes, yet over the years there has been a welcome increase in understanding of the risks faced by children, particularly older children, from those beyond the family. Bringing children into care is the ultimate approach for keeping children safe from harms within the home, but it is clear that this doesn't always work if the harm comes from beyond

the home. This strategy should be a chance to think afresh about what legal protections are needed for this group of children.

The strategy also has a welcome focus on kinship, and ensuring that children can stay with their families whenever that is in their best interests. Kinship care is way to ensure that children are kept safe but are not severed from those essential family ties, which are not only a source of love, but of identity. The focus on providing that intensive support for a family network before a child comes into care is right. But kinship care is not right for all children, so this strategy should be a chance to apply the principles contained within proposals for kinship care to all children. There needs to be a broader vision of what care can mean – one that is less binary and adversarial but one which embraces the role of formal support and care from parents. Many children return from care to their parents, and contact between children in care and their birth families has been transformed by social media and online contact. This strategy should be one that acknowledges that all children could benefit from a more flexible, adaptable model of support for familial care, even if they cannot benefit from kinship care.

Likewise, children aged 16 and 17 are now a large proportion of those in care. While the care that older teenagers need from their parents is different to that needed by an infant, toddler or younger child, it is no less real. What these children might need from carers is more flexible, acknowledging their greater need for self-expression and greater freedom of choice. However, they still need care and they still need love. The CCo was supportive of the move to regulating accommodation for this group of children, so long as that was an interim step towards ensuring that all children receive care to 18. The implementation for this strategy must now set out how all Supported Accommodation for 16 and 17 year olds will be able to move towards meeting a common set of standards for all children in care, based on Children's Homes regulations. There must be clear timeline for this process; the Children's Commissioner believes all settings should be able to meet these standards within two years.

## Chapter 1: Introduction

**1. Consultation question 7: Overall, to what extent do you agree these six pillars are the rights ones on which to base our reforms for children’s social care?**

**Select one from:**

- Strongly agree;
- Agree;
- Neutral (neither agree or disagree);
- Disagree;
- Strongly disagree;
- Don’t know

If desired, please explain your response.

The pillars are of course all sensible ones on which to focus.

**2. Consultation question: What more can be done by government, local authorities and service providers to make sure that disabled children and young people can access the right type of help and support?**

The Children’s Commissioner has been deeply shocked and disturbed by the findings of the national safeguarding practice review into safeguarding children with disabilities and complex needs in residential settings. Reading about the abuse and neglect these children have suffered shows how far we are from a system that works for every child.

The Children’s Commissioner believes that no child should be living in an institution. They should be getting the early support that they need to stay living at home with their families. This should be delivered in a non-stigmatising way, which recognises the specific needs of families caring for children with disabilities, with effective multi-agency working and a key trusted professional to coordinate services and ensure that the needs and views of children and their parents are at the centre of all plans.

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The Children's Commissioner has set out her views on the SEND reform plans. It is essential that there is greater emphasis on early support, and that this is aligned with the children's social care strategy. The reforms must also recognise that not all children with SEND live with their families and those who are in the care system face additional challenges to their education and social needs, particularly if they are placed out of their home area.

The findings of the National Safeguarding Practice Review also show how essential advocacy is to ensuring that children's rights which exist in theory are translated into practice. The Children's Commissioner is supportive of plans for every child to receive opt-out advocacy, and this must include non-instructed advocacy for children who are not able to make their views known. Advocacy standards must ensure that advocates are trained in communication with children with additional needs.

Children with disabilities living in residential settings also need a consistent, highly skilled social worker, with regular visits and reviews of their care. These reviews should include consideration of pathways for returning to a family setting, within their local area, if this is possible.

The review rightly highlighted the urgent need for clear joint inspection arrangements for settings caring for children with high levels of disabilities and health needs, so that no setting falls between the gap of Ofsted and CQC oversight.

## Chapter 2: Family Help

### **3. Consultation question 9: To what extent are you supportive of the proposal for a system that brings together targeted early help and child in need into a single Family Help Service in local areas?**

Select one from:

- Fully supportive
- Somewhat supportive
- Neutral
- Somewhat oppose
- Strongly oppose
- Don't know If desired, please explain your answer

The Children's Commissioner's Family Review showed clearly that when families need to turn to services for additional help, they want that help to feel as familial as possible – it should be non-judgemental, loving, responsive and non-bureaucratic. The ambition to break down barriers is welcome, so that the help children and their families receive is as smooth as possible, and they are not passed between different workers or required to repeat information.

The pathfinders for testing this out are of course only in targeted areas. It is therefore vital that in the implementation plan national investment and guidance is ready in order to translate the findings to national practice.

There are also some risks that should be addressed. The first of these is around stigma of accessing help. All support offered under Section 17 of the Children Act cannot be imposed upon a family; it is therefore essential that families are willing to engage. The Children's Commissioner's office consulted its care experienced advisory board of young people (aged 18-25) with lived experience of the care system. The office asked the young people about what the first interaction with the care system should look and feel like, in an attempt to understand whether there was support for a single-Family Help Service.

Young people said that the earliest form of support needs to be with professionals that aim to be as open and honest as possible. It was clear from the group felt that as a child they were often left to fill in the blanks between what social workers and their parents told them during their earliest interactions with the social care system. The group emphasised the need for social workers in particular to build trust and maintain an open dialogue about the child's circumstances. These findings reflect what the office heard during the Independent Family review which found that families want the services that support them to be relational and non-stigmatising.<sup>1</sup>

The young people highlighted the need for parents to also be supported during the earliest interactions with the system. There was concern about the impact that social care involvement can have on parents and a sense that greater support was needed. Some young people reflected on the impact that taking a child into care has on the mental health of parents. These findings also reflect what the office heard from parents during the Family Review, that families want to access services where they feel genuinely welcome, valued, and able to get help. It was clear from the parents that the office heard from during the Family Review that they want services to be non-stigmatising and accessible.

The Pathfinders should involve close consultation with parents to understand whether a single model risks increasing the stigma felt by those engaging with earlier help, as they are seen to be involved with children's social care. It should seek to mitigate this risk with appropriate communication and co-production of the support offered.

The CCo believes that all children receiving Family Help should be classed as 'Children in Need'. At the moment it is unclear whether all children who fall within Family Help will be classed as receiving statutory help under Section 17 of the Children Act. There is a potential risk, particularly for disabled children who have a statutory entitlement, that the help they receive could be 'watered down' by an offer of Family Help if it is not clear that this is still a statutory obligation.

It is also unclear which professional will hold the cases for children in need, and there is a risk that, if this is not always a social worker, there will become a default two tier category within Family Help. The implementation of the strategy must consider how in practice the broad range of needs within the proposed Family Help model will be managed.

## Chapter 3: Child protection and multi-agency arrangements

### **4. Consultation question 11: Have you ever provided or received a form of parental representation during child protection processes?**

The questions in this section are focused on parental representation, which the CCo is not answering. However, there are other elements in this Chapter which this reply addresses.

The pathfinders will test out new models of expert child protection practitioners. One of the CCo's concerns with the Child Protection system as it stands is that it is hard to know whether the goals for children on plans are achieved, and whether they are working for children and families. As new approaches are piloted it is essential that these fundamental questions can be answered.

The CCo is supportive of Family Network Support Packages for children who are able to be supported to stay with their wider family. However it is essential that these don't inadvertently disadvantage those children who either need intensive support to stay with birth families, or who need that support from outside their family networks. The CCo believes extended families can be a source of strength and support – but some children sadly do not have that in their lives. It would be concerning if children on Child Protection Plans without an extended family network were not able to access the same level of funding or resource through a Support Package. Clear funding for support packages should be in place for every child on a Child in Need or Child Protection Plan, regardless of their family network.

This Chapter details plans to increase education's role in safeguarding arrangements. It is the CCo's view that it is essential that education is made the fourth statutory safeguarding partner; the commitment to achieving this goal must be made clear, and that further consultation is only on how this happens, not whether it happens.

## Chapter 4: Unlocking the potential of family networks

### **5. Consultation question 14: In your view, how can we make a success of embedding a “family first” culture?**

*A culture of “family first” means that local authorities will actively seek out and work with a child’s direct and extended family and friends in considering the best forms of support for a child and their family. This culture will run right through children’s social care from the first moment it starts to work with a family.*

The Children’s Commissioner’s Family Review set out how families provide a protective effect to their members, and that it is to their families that people want to turn in times of difficulty. The focus on a ‘family first’ approach is therefore deeply welcome. For this to truly drive change it is essential that the ‘families first’ culture is one that applies not only to children’s social care but to all services in a local area. Adult mental health services, housing services, adult social care – all of these services must also understand that the adults they are supporting may be a key component of a network of support for a vulnerable child. This is why the Children’s Commissioner has proposed a refreshed Family Test, to be used at both the national and local level, which acknowledges the complexity of family life and relationships. It should be a key component in commissioning all services, and all services must be able to show how they are able to meet the needs of families in all their diverse forms.

### **6. Consultation question 15: In your view, what would be the most helpful forms of support that could be provided to a family network, in order to enable them to step in to provide care for a child?**

*A “family network” describes people connected to the child: this could include relatives or close family friends. Our ambition is that a child’s family network is fully considered as a support system for parents facing challenge, or as a provider of care for the child if they cannot live safely at home. To do this effectively, we recognise that professionals will need to proactively engage family networks.*

The Children's Commissioner reiterates that while the focus on practical support for family networks is welcome, this practical support should also be directed towards supporting children to stay with their birth parents, and that it should extend to support provided beyond children's family networks.

There are some forms of support that the Children's Commissioner would particularly welcome. Recent research from the Children's Commissioner highlighted that 37% of children in care are separated from a sibling. Any support which is able to increase the capacity of prospective carers to care for sibling groups is welcome – this should extend to capital funding for extensions or alterations to homes, or to enable house moves. The Children's Commissioner believes this support should also be considered for foster carers.

## Chapter 5: The care experience

### **7. Consultation question 18: Overall, to what extent do you agree that the 6 key missions are the right ones to address the challenges in the system?**

Select one from:

- Strongly agree
- Somewhat agree
- Neutral (neither agree nor disagree)
- Disagree
- Strongly disagree
- Don't know

If desired, please explain your response

The Children's Commissioner welcomes the overarching missions for children in care. In addition to the six existing missions the Children's Commissioner believes that there should be a mission for every child in care to be heard. This will mean that every child accesses independent advocacy, and that they are fully involved in decision making. More broadly, the implementation must understand that in order to achieve these missions for children in care and care leavers, the work must begin earlier on in the system. There should also be an emphasis on achieving the missions ahead of time as far as possible, and on specifying and measuring the proposed outcomes, focusing on the tangible changes that children will see in their lives.

For example, to Achieve Mission 4, on education, it is essential that Virtual School Heads are better enabled to support Children in Need with their education, with Pupil Premium extended to these children. The Children's Commissioner will shortly be publishing a report on the Looked After children who are currently not attending school, and how they can be better supported.

On Mission 1 the Children's Commissioner welcomes the focus on loving relationships for children in care, and the mention of keeping siblings together. However, this must go further than it does currently – so that siblings are kept together whenever it is in their best interest.

As per Mission 2, a safe and loving home is essential for all children. It is therefore essential that all standards of care are aligned, so that all children can receive care until they are 18. It is vital that this is done by bringing Supported Accommodation up to the standard of other provision that can provide care, rather than watering down any regulations for other provision.

The Children's Commissioner believes that to achieve Mission 6 it is essential that the deaths of care leavers must be reported and published. In addition, Integrated Care Systems must include specific strategies improving health outcomes for children involved with children's social care.

**8. Consultation question 19: To what extent do you agree or disagree that a care-experienced person would want to be able to form a lifelong legal bond with another person?**

The Care Review considered that creating a “lifelong legal bond” would mean that care-experienced people will be able to demonstrate that they have legally and practically joined the family of another non-related adult who is important to them from their time in care.

**Select one from:**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

To answer this question the Children's Commissioner's office consulted its care experienced board. Young people wanted greater clarity about what a lifelong guardianship order for adults leaving care would add practically. There was a sense that it could be valuable to be connected to an adult that has cared for you, but young people wanted clarity around how this form of legal bond would differ from adoption.

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The most prominent reflection from young people was that they felt that they shouldn't have to have a legal arrangement to legitimise the loving relationships in their life. Instead young people were clear that the government should focus on ensuring that the social care system is set up to help children to develop loving and nurturing relationships with adults and professionals that care for them.

### **9. Consultation question 21: What support is needed to set up and make a success of Regional Care Cooperatives?**

The Children's Commissioner is concerned about the move towards Regional Care Cooperatives. Local authorities already have a duty to provide sufficient accommodation, and the focus should be on supporting them to deliver that, rather than creating an additional commissioning layer. There is a risk that by separating out the commissioning of placements and the duties towards looked after children held by their home local authority significant challenges could be created.

Children should, wherever it is in their best interests, be placed locally so that they can maintain their links with family and friends and remain in education. Upcoming research from the Children's Commissioner will show that children are more likely to be missing out on education if they are placed out of their home area.

RCCs will not address the current sufficiency issues that exist across social care. Given the urgency of the need for more specialist placements for children (including unaccompanied children), and the lack of capacity as noted by the board, there needs to be a concurrent plan on driving up local authority sufficiency.

It is welcome that the strategy notes that more joined up working with health and justice is necessary for children with more complex needs. However, it is not clear why regional arrangements would be best placed to address this. Ministry of Justice commissioning works at the national level, and it is not clear whether the proposed regional model would align with the newly introduced Integrated Care Partnership footprints. The Children's Commissioner believes that for the most vulnerable children, national strategic leadership from Ministry of Justice, DfE and DHSC is needed.

**10. Consultation question 22: Do you have any additional suggestions on improving planning, commissioning and boosting the available number of places to live for children in care?**

There needs to be significant additional focus on recruiting, retaining and supporting the right foster carers. The Children's Commissioner's research has shown that often siblings in care are separated not because that is in their best interest, but simply because there are not enough people able to care for them. There is therefore an urgent need for better recruitment, retention and support for foster carers. The Children's Commissioner therefore welcomes the mention of the need to focus on larger sibling groups and unaccompanied children, and the pilot programme in the North East to support prospective foster carers. However, the Children's Commissioner believes that there needs to be both a national recruitment and communications plan, and a plan that focuses on how this translates to management and support throughout the application process.

The Children's Commissioner believes there should be a particular focus on recruiting specialist foster carers for older children, including unaccompanied children seeking asylum, who are currently more likely to be placed in supported accommodation.

The Children's Commissioner would also welcome support for foster carers to accommodate more sibling groups; this should extend to capital funding for extensions and refurbishment to allow foster carers to provide for more children, or to enable house moves.

**11. Consultation question 24: Which bodies, organisations or sectors do you think should be in scope for the extension of the corporate parenting principles - and why?**

The office asked young people from the Care Experienced Advisory Board about extending corporate parenting duties to other organisations. The young people were clear that they believe it would be beneficial for more organisations to be aware of the needs and experiences of care experienced people and for corporate parenting duties to be extended.

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## Chapter 7: Improving the system

**12. Consultation question 28: Beyond the proposals set out in this chapter, what would help ensure we have a children’s social care system that continues to share and apply best practice, so that it learns from and improves itself?**

As set out, the Children’s Commissioner believes that in order to drive change there must be a clear priority within central Government for every area in the country to be good. Alongside an outcomes framework, guidance and legislative change this change will need political will and commitment – the implementation for this strategy must consider what machinery of Government changes are needed to ensure that this will happen.

## References

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<sup>1</sup> The Family Review, 2022, family and its protective effect, [link](#).



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