BECOME.

THE CHARITY FOR CHILDREN IN CARE AND YOUNG CARE LEAVERS

Submission to the call for written evidence for the Civil Society Submission to the UN's List of Issues Prior to Reporting (LOIPR)

August 2020

Become is the national charity for children in care and young care leavers. We provide help, support and advice to make sure care-experienced young people can unleash their potential and take control of their lives. We help make the care system work better by ensuring that young people's voices and perspectives shape policy and service provision.

Introduction

Become welcomes this opportunity to submit evidence to CRAE to inform the civil society submission which will set out suggestions for the List of Issues Prior to Reporting (LOIPR) as part of the UK's examination under the UN Convention on the Rights of the Child. We're grateful for CRAE's efforts to lead this process on behalf of civil society in England.

As requested, our submission covers the five key children's rights breaches since the UK was last examined by the UN Committee in 2016, as of most relevance for children in care and young care leavers. Each section includes, very briefly, an assessment of where the Government has made/not made progress under the CRC, what has improved or regressed since the last set of Concluding Observations/Recommendations in June 2016, references to new studies, data or reports that have been published since June 2016 as evidence of how the Government is implementing the CRC, and a set of suggested questions that the UN Committee should include in its LOIPR which the UK Government will have to respond to in its State report.

Our submission

1. Instability for children in care

Relevant Articles: 2, 3, 4, 6, 12, 19, 20, 25, 27, 28, 39, 42

Children in care need stability in order to heal and thrive. Having to change where you live, where you learn or who supports you can be stressful, unsettling and destabilising to children healing from the trauma which led to them being taken into care.

The 2016 set of Concluding Observations and Recommendations noted concern with the frequent instability children in care experienced in their placements and social worker. The 2019 Stability Index, published by the Children's Commissioner, highlights how this continues to be a major concern for children in care today.[1] Collected since 2017, the Index continues to show that most rates of instability have not fallen in this time, with significant unexplained regional variations.

Placement instability has been identified by children in foster care as 'the worst thing about being in care'.[2] Moving placement can mean giving up personal possessions or hobbies, losing contact with friends and family members, as well as losing a sense of familiarity and comfort. Last year, 7 in 10 young people in care experienced a change in where they live, where they go to school or who their social worker was. Just over half of children in care moved home at least once in three years, and 1 in 10 did so four or more times in three years.[3]

School can be the one stable and secure place in the lives of children in care that offers them consistent structure and support. Therefore, it is worrying that disruptive changes in placement and social worker are compounded by current loopholes in the School Admissions Code which allows academies to refuse entry to looked after children. Despite official guidance specifying that children in care should get top priority for school admissions, the Secretary of State for Education has been asked to intervene 72 times in the last three years to ensure children in care could gain access to the school of their choice.[4]

The government established the National Stability Forum for Children's Social Care in 2018, chaired by the Director General for Social Care, Mobility and Disadvantage at the Department for Education, to "promote stability, better life chances and outcomes for children in the care of the state".[5] However, any actions and outputs from the Forum to date remain unclear.

Questions

1. What steps has the government taken to reduce levels of instability for children in care?

2. What assessment has the government made of the reasons which contribute to varying levels of placement stability across different local authorities?

3. What steps has the government taken to improve the retention of social workers?

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[1] Children's Commissioner (2019) *Stability Index 2019: Overview report.* https://www.childrenscommissioner.gov.uk/report/stability-index-2019

[2] Children's Commissioner (2018) *Voices of Children in Foster Care.* https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/05/VOICE-OF-CHILDREN-AND-YOUNG-PEOPLE-IN-FOSTER-CARE.pdf

[3] Children's Commissioner (2019) *Stability Index 2019: Overview report.* https://www.childrenscommissioner.gov.uk/report/stability-index-2019

[4] Huffington Post (Jan 2020) *Children In Care Repeatedly Rejected By Academies As Admissions 'Scandal' Grows.* https://www.huffingtonpost.co.uk/entry/children-in-care-face-rigged-system_uk_5e4d2cd2c5b6eb8e95b5b3a7

[5] Department for Education (2018) *Fostering better outcomes.* https://www.gov.uk/government/publications/fostering-better-outcomes

4. When does the government plan to review the School Admissions Code to prevent academies refusing admission to children in care?

5. What actions and outputs does the National Stability Forum for Children's Social Care intend to deliver to improve stability for children in care?

2. Increasing use of out-of-area and unregulated placements

Relevant Articles: 2, 3, 4, 6, 12, 19, 20, 25, 27, 39, 42

The numbers of children living in out-of-area placements, including distant placements, has soared in recent years. 64% of children living in children's homes are now placed outside of their local authority area, up from 48% in 2010.[6] Ofsted report that, as of 31 March 2018, children who were living outside of their home local authority area were on average 53 miles from their home.[7] Young people tell us the experience of being placed far from home can be isolating, dislocating and contribute to poor experiences in care.

Aligned with this problem has been the explosion in the use on unregulated independent and semi-independent placements. As of 31 March 2019, there were over 6000 children in care living in unregulated settings, up by 80% since 2010.[8] These settings often do not provide the level of support young people need to heal from the trauma that they have experienced and make positive starts to early adulthood. Under the government's proposals for new national standards[9], these settings would continue to be legally unable to provide care[10].

Whilst there are genuine reasons why moving a child out of their home area or into a semi-independent setting may be in their best interests, the dramatic increase in recent years reflects an issue of lack of capacity in local placements, particularly in residential care. Unstable experiences in care and the rising number out-of-area and unregulated placements can be traced to the system's failure to adapt to the changes in who it cares for – increasing older children and teenagers. Between 2015 and 2019, the proportion of children in care aged 10 to 15 increased by 18% and for those aged 16 and over by 21%.[11] Increased use of unregulated and out-of-area placements are a symptom of the lack of locally-controlled residential capacity.

The dominance of the private sector in the ownership of children's homes and unregulated settings means they are spread unevenly across the country[12], often where it is cheapest to operate and not where there is the greatest need for safe and secure places for children to live. Despite concerns raised about the lack of planning in children's residential care by Sir Martin Narey in his 2016

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[6] Department for Education (2019): *Children looked after in England including adoption: 2018 to 2019.*
https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019
[7] Ofsted (2020) *Ofsted Annual Report 2018/19: education, children's services and skills.*
https://www.gov.uk/government/publications/ofsted-annual-report-201819-education-childrens-services-and-skills
[8] Department for Education (2020) *Looked after children in independent or semi-independent placements.*
https://www.gov.uk/government/publications/looked-after-children-in-independent-or-semi-independent-placements
[9] Department for Education (2020) *Reforms to unregulated provision for children in care and care leavers.*
https://consult.education.gov.uk/unregulated-provision/unregulated-provision-children-in-care/
[10] Become (2020) Submission to the Department for Education's consultation on reforms to unregulated provision for children in care and care leavers https://www.becomecharity.org.uk/for-professionals/resources/response-to-consultation-on-unregulated-accommodation-2020/
[11] Department for Education (2019): *Children looked after in England including adoption: 2018 to 2019.*
https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019
[12] Ofsted (2020) Main findings: children's social care in England 2020. https://www.gov.uk/government/publications/childrens-social-care-data-in-england-2020/main-findings-childrens-social-care-in-england-2020#childrens-homes

independent review of children's residential care, by Amanda Spielman as Ofsted Chief Inspector[13], by the Children's Commissioner[14], by the Housing, Communities and Local Government Select Committee[15], by the National Audit Office[16], and within many recent reports including those from parliamentary groups[17], no comprehensive action has been taken by the government to deliver a national sufficiency strategy for children's residential care.

Questions

1. What steps has the government taken to ensure that fewer children are placed outside of their local area?

2. What assessment has the government made of how many new children's homes are required to meet demand in each region?

3. What steps has the government taken to ensure there is greater capacity in the regulated children's homes sector where it is most needed?

4. What steps is the government taking to reduce reliance on unregulated settings and ensure each child has a placement suited to their needs?

3. Cuts to children's services funding exacerbating inequalities

Relevant Articles: 2, 3, 4, 6, 9, 18, 19, 20, 39

The 2016 set of Concluding Observations and Recommendations highlighted concern with the rising number of children in care, particularly in cases where little early family support work had been offered, the best interests of the child had not been properly assessed, and engagement with the care system did not consider the impact of the family's economic situation. These concerns continue to be reflected in the care system today.

Analysis has found that major cuts to the funding of local authority children and young people's services since 2010, experienced more significantly by areas of high deprivation, will produce a £3 billion funding gap by 2025.[18] This has forced a shift in spending towards late-intervention statutory services and away from the early family support which keeps families together safely; these services have seen a 49% decrease in spending since 2010/11. Against a backdrop of rising child poverty[19], the number of children in care has continued to increase by 11% since the last UNCRC examination in 2016, with 78,150 children looked after at 31 March 2019[20].

[13] Ofsted (2020) *Ofsted Annual Report 2018/19: HMCI Commentary.* https://www.gov.uk/government/publications/ofsted-annual-report-201819-education-childrens-services-and-skills/ofsted-annual-report-201819-hmci-commentary

[14] Children's Commissioner (2019): *Pass the parcel: children posted around the care system.* https://www.childrenscommissioner.gov.uk/report/pass-the-parcel-children-posted-around-the-care-system/

[15] Housing, Communities and Local Government Committee (2019) Funding of local authorities' children's services. https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1638/163802.htm

[16] National Audit Office (2019) *Pressures on children's social care.* https://www.nao.org.uk/report/pressures-on-childrens-social-care/

[17] APPG for Runaway and Missing Children and Adults (2019) *No Place at Home* https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/appg-inquiry-into-children-missing-from-out-of-area-placements

[18] The Children's Society, Action for Children, Barnardo's, NSPCC and the National Children's Bureau (2019) *Children and young people's services: Funding and spending 2010/11 to 2017/18.* https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/children-and-young-people%E2%80%99s-services-funding-and-spending

[19] Department for Work and Pensions (2020) *Households below average income: 1994/5 to 2018/19.* https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819

[20] Department for Education (2019): *Children looked after in England including adoption: 2018 to 2019.* https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019

The National Audit Office[21], Public Accounts Committee[22], Children's Commissioner[23], Local Government Association[24], and the Housing, Communities and Local Government Committee[25] amongst others have expressed significant and immediate concern with overall funding for children's social care services, variations in spending across the country, and the lack of government planning and commitment to addressing this.

The cuts to children's services funding and resultant impact on families and the numbers of children in care is felt unequally across different places and communities, exacerbating existing inequalities in the system. Currently, children in the most deprived 10% of small neighbourhoods in the UK are over 10 times more likely to be in care or on protection plans than children in the least deprived 10%.[26] Recent work has also highlighted significant ethnic inequalities present in child welfare interventions.[27] Although there have been positive developments in poverty-proofing and anti-racist social work practice[28], government action to consider the impact of reduced children's social care funding and the social injustices it perpetuates in the context of the rights of the child is absent.

Questions

1. What steps is the government taking to close the funding gap for children's services?

2. What assessment has the government made of the impact on equality and human rights of its decision to reduce funding for local authority children's services?

3. What steps has the government taken to ensure early support work with families continues?

4. What steps has the government taken to ensure kinship carers are supported to provide care for children who are unable to live with their birth parents?

4. Separation and lack of contact between siblings in care

Relevant Articles: 2, 3, 4, 6, 12, 18, 20, 39, 42

Too many young people in care tell us they were unable to live with their brothers and sisters are not supported to remain in touch with them, particularly where they have had different journeys in and out of the care system. The 2016 set of Concluding Observations and Recommendations recommended that placements should wherever possible facilitate contact with the child's biological parents and siblings; this continues not to be the case for all children in care.

A recent BBC investigation based on over 200 Freedom of Information requests to local authorities revealed that more than 12,000 children in care were not living with at least one of their siblings.[29] In

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[21] National Audit Office (2019) *Pressures on children's social care.* https://www.nao.org.uk/report/pressures-on-childrens-social-care/
[22] Public Accounts Committee (2019) *Transforming children's services.* https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/1741/174102.htm
[23] Children's Commissioner (2018) *Public Spending on Children: 2000 to 2020.* https://www.childrenscommissioner.gov.uk/report/public-spending-on-children/
[24] Local Government Association (2017) *Bright Futures – getting the best for children, young people and families.* https://local.gov.uk/bright-futures-getting-best-children-young-people-and-families
[25] Housing, Communities and Local Government Committee (2019) Funding of local authorities' children's services. https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1638/163802.htm
[26] Paul Bywaters and the Child Welfare Inequalities Project Team (2020) *The Child Welfare Inequalities Project: Final Report.* https://research.hud.ac.uk/institutes-centres/cacs/projects/child_welfare_inequalities/
[27] Webb, C, Bywaters, P, Scourfield, J, Davidson, G and Bunting, L (2020) *Cuts both ways: Ethnicity, poverty, and the social gradient in child welfare interventions.* https://www.sciencedirect.com/science/article/pii/S0190740920304370?dgcid=author
[28] British Association of Social Workers and Child Welfare Inequalities Project (2019) *Anti-poverty Practice Guide for Social Work.* https://www.basw.co.uk/what-we-do/policy-and-research/anti-poverty-practice-guide-social-work
[29] BBC News (14 January 2020) *Thousands of siblings split up in care system.* https://www.bbc.co.uk/news/uk-51095939

2015, a report found that 49.5% of sibling groups in local authority care are split up, and only 1% of sibling groups who were all placed together were living in residential care.[30] The most recent data shows that the number of sibling groups not living together remains high, with 450 sibling groups (1,340 individual children) not placed to plan.[31] Given the increasing age profile of children in the care system and resultant additional demand on residential placements – where sibling separation is more common – increasing sufficiency of multi-placement settings nationally must be an urgent focus for the government.

There should be clear expectations around the rights which children in care have for regular contact with their siblings. This helps young people to develop a sense of identity and belonging, and promotes the development of healthy and stable relationships. Many young people believe they have too little contact with the people in their lives who they care about[32], and evidence suggests that older children within care are particularly concerned about seeing their siblings enough; one survey found that 38% of children in care aged 11-18 years old believe they have too little contact with their brothers and sisters[33]. Contact with family or friends is also recorded as the primary reason for over half of episodes of children going missing from foster care.[34]

Current legislation does not provide the same parity of provision for children in care's contact with their siblings as it does with their birth parents.[35] The government promised in 2017 to review and update the regulations to make explicit reference to contact with siblings who are not in care as well as those who are[36], but this is yet to happen. In Scotland, recent campaigning efforts have led to a strengthening of siblings' rights in the wording of the Children (Scotland) Bill[37], and the recent Independent Care Review included a strong focus on supporting the relationships of brothers and sisters in care[38].

Questions

1. How many children in care are separated from one or more of their siblings?

2. What steps has the government taken to ensure fewer children in care are separated from their siblings?

3. How many brothers and sisters do not have regular contact with each other but wish to do so?

5. Poor support for young people leaving care

Relevant Articles: 2, 3, 4, 6, 12, 20, 39, 42

[30] Family Rights Group (2015) *What happens to siblings in the care system?* https://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf
[31] Ofsted (2020) *Fostering in England 1 April 2018 to 31 March 2019.* https://www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019
[32] Children's Commissioner (2018) *Voices of Children in Foster Care.* https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/05/VOICE-OF-CHILDREN-AND-YOUNG-PEOPLE-IN-FOSTER-CARE.pdf
[33] Coram Voice (2018) *Our Lives, Our Care: Looked after children's views on their well-being in 2017.* https://coramvoice.org.uk/sites/default/files/1053-CV-Our-Lives-Our-Care-report5.pdf
[34] Ofsted (2020) *Fostering in England 1 April 2018 to 31 March 2019.* https://www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019
[35] Children Act 1989 c.41 Part IV s.34 *Parental contact etc. with children in care.* https://www.legislation.gov.uk/ukpga/1989/41/section/34
[36] Hansard HC Deb Vol 622 Children and Social Work Bill [Lords] 7 March 2017. https://bit.ly/31GRWcE
[37] Stand Up For Siblings (26 June 2020) *Stand Up For Siblings successfully lobbies for changes to the Children (Scotland) Bill.* https://www.standupforsiblings.co.uk/2020/06/26/stand-up-for-siblings-successfully-lobbies-for-changes-to-the-children-scotland-bill/
[38] Independent Care Review (2020) *The Promise.* https://www.carereview.scot/wp-content/uploads/2020/03/The-Promise_v7.pdf

The care system is designed with too many cliff-edges; this is particularly true for young people leaving the care system, most commonly at age 18. Although they are no longer legally children, the process of ensuring every child is supported to leave care should begin much earlier, and the local authority as their corporate parent has a duty to continue supporting them until early adulthood. Older children often express anxiety about leaving care and report feeling unclear about what will happen to them and uncertain about their rights and entitlements, even years before they are expected to leave care themselves.[39]

The previous set of Concluding Observations and Recommendations noted concern with the level of adequate support for care leavers and their own input into their care planning. There have been positive steps made following the government's 2016 *Keep on Caring* strategy and passing of the Children and Social Work Act 2017, including the extension of Personal Advisor support to all care leavers up to age 25 and the introduction of the duty to publish a Local Offer. The commitment to continued Staying Put funding and forthcoming national rollout of Staying Close opportunities now means that more young people can remain supported by their former carers. The new Care Leaver Covenant Board also provides an opportunity to promote joined-up policymaking across government and to minimise the disparity in support provided to care leavers across housing, education and training, health services and social security.

However, care leavers still continue to experience inadequate levels of support. At age 18, most young people aren't expected to leave their family homes as part of a 'transition to independence', but we demand this of thousands of care leavers each year, at a time when many are only just coming to terms with their childhood experiences. 23% of care leavers report having low wellbeing, and 1 in 5 report feeling lonely often or always.[40] Many fall into debt due to insufficient financial support and education.[41] 1 in 4 young care leavers have sofa-surfed and 14 per cent have slept rough as a result of inflexible and stigmatising housing policy.[42]

There continues to exist a damaging expectation that young people should leave their care settings and move to semi-independent or independent settings at age 18. This is particularly concerning given the recent changes in the demographics of who the care system looks after – increasing older teenagers who enter the care system late with complex needs. The government recently asked local authorities to ensure that no child had to leave care during the COVID-19 crisis, but without any clarity as to when or how this commitment will end safely.[43]

Questions

1. When does the government plan to review and update statutory guidance around planning transition to adulthood for care leavers?

2. What assessment has the government made of the impact of recent policy changes on care leavers within the Children and Social Work Act 2017?

3. What percentage of care leavers aged 21 or over are in touch with their local authorities?

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[39] Children's Commissioner (2018) *Voices of Children in Foster Care.* https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/05/VOICE-OF-CHILDREN-AND-YOUNG-PEOPLE-IN-FOSTER-CARE.pdf

[40] Coram Voice (2019) *Our Lives Beyond Care: care leavers' views on their well-being in 2018.* https://coramvoice.org.uk/latest/our-lives-beyond-care-care-leavers-views-on-their-well-being-2018/

[41] The Children's Society (2016) *The cost of being care free: The impact of poor financial education and removal of support on care leavers.* http://www.childrenssociety.org.uk/sites/default/files/pcr073_care-leavers-financial-exclusion-final.pdf

[42] Centrepoint (2017) From care to where? https://centrepoint.org.uk/media/2035/from-care-to-where-centrepoint-report.pdf

[43] Department for Education (2020) *Coronavirus (COVID-19): guidance for children's social care services.* [Present since update on 6 May 2020] https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care

4. How many local authorities have an accessible Care Leaver Local Offer published online?

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