

Children and Social Work Bill – Second Reading Briefing

About The Who Cares? Trust and the care system

The Who Cares? Trust provides help, support and advice to young people in care and young care leavers so that they 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. The Who Cares? Trust is an active member of the Alliance for Children in Care and Care Leavers. The Alliance has produced a separate briefing, which we have contributed to and support. This will be circulated to Peers before Second Reading.

There are 69,540 children in care, with approximately 11,000 children aged 16, 17 or 18 becoming care leavers each year. Children will come into care for a variety of reasons, but over 55% of children in care are in care because of abuse or neglect.¹

Summary

Children in care and care leavers have a unique relationship with the state, given the extreme intervention that the state has made into their lives and the role of the state as corporate parent. As such, we welcome the Children and Social Work Bill, particularly the introduction of corporate parenting principles and the extension of the personal adviser role to all care leavers.

However, there are parts of the Bill that need to be strengthened, and parts that require additional safeguards to ensure that the needs of looked after children and care leavers are fully met. We believe that the Bill has the potential to be more ambitious for children in care and care leavers.

Corporate parenting principles (Clause 1)

The Bill sets out a number of corporate parenting principles for local authorities and we welcome this. The Alliance for Children in Care and Care Leavers is calling for the corporate parenting principles to be strengthened to include recovery from the psychological impact of harmful experiences like abuse and neglect and for the principles to be extended to include certain health bodies like Clinical Commissioning Groups.

In addition, it is crucial that where local authorities delegate out their services or responsibilities for children in care and/or care leavers, these principles apply to those who are running those services, not just the local authority.

Advice and support on request (Clause 3)

The Bill legislates for all care leavers up until they are 25 to be entitled to a personal adviser. The Alliance welcomes this clause, but is calling for greater support for care leavers up until the age of 25.

¹ <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

The Who Cares? Trust welcomes this extension to ensure that care leavers who are not in education or training are also able to access this support, an anomaly that we, along with the Alliance, have been calling for the Government to rectify. However, at the moment, the Bill does not completely bring parity between existing legislation that entitles care leavers who are in education or training post-21 to a personal adviser and those care leavers who are not in education or training post-21. As currently drafted, the Bill legislates for a personal adviser if a young person requests it – putting the onus on the young person to approach their local authority, which the most vulnerable may not do.

In addition, current legislation specifies that a care leaver should be supported by their personal adviser until the end of their course. There is no provision in the Bill to support a care leaver beyond their identified need (for example until their 25th birthday). Care leavers may return to their local authority with a small problem, which may mask more serious support needs. We would like assurances that guidance will clarify that the local authority has a statutory duty to ensure that all care leavers who request a personal adviser will have a full needs assessment and pathway plan written to ensure that they receive all the support that they need, and that this plan must be maintained even if the care leaver is referred to external services for their needs to be met.

Educational achievement in England (Clauses 4-7)

These clauses require local authorities to promote the educational achievement of children who have ceased to be looked after and are being cared for under an adoption order, a special guardianship order or a child arrangements order, although it is not clear whether this is an extension of the Virtual School Headteacher role.

This part of the Bill is an opportunity to show how ambitious the Government is for its care leavers. The role of the Virtual School Headteacher was made statutory in the Children and Families Act 2014, and is an important role that promotes the educational achievement of looked after children, however their remit does not include care leavers. Nearly a third of care leavers leave care early (at 16 or 17), which means that they can be navigating independence at the time when they also taking important exams and making big decisions about their educational future. Only 5% of care leavers are at university at the age of 19, and many care leavers remain in or return to education between the ages of 18-25, and go on to succeed.

Local authorities should also be required to ‘keep in touch’ with their care leavers until they are at least 25, so that we are better able to understand how many care leavers who are older than 21 go on to attend university or go on to other positive destinations.

Power to test different ways of working (Clauses 15)

This clause allows for the Secretary of State to exempt local authorities from requirements imposed by social care legislation with the intention of helping local authorities to innovate to improve outcomes or make services more efficient. We welcome innovation and efforts to improve outcomes, however the legislation does not allow sufficient safeguards to protect children and young people if plans to innovate go wrong. Currently there are no duties to consult specifically with children in care and care leavers when a local authority wishes to apply for an exemption. There are also no details about how the local authority will be monitored and how children in care or care leavers will be able to report concerns.

**For more information, please contact Chloë Cockett, Policy and Research Manager:
chloe.cockett@thewhocaretrust.org.uk or call 020 7017 8908.**