

Summary of the All-Party Parliamentary Group for Looked After Children and Care Leavers meeting about the recommendations following Sir Martin Narey's independent review of residential care

Wednesday 19th April 2017
6.00pm – 7.30pm
Committee Room 11, Palace of Westminster

Chair: Steve McCabe MP, Chair of the APPG for Looked After Children and Care Leavers

Panel: Sir Martin Narey
Ben Connah, Deputy Director – Children in Care, The Department for Education
Helen Humphreys, Specialist Advisor for Residential Care, Ofsted
Frances Crook, Chief Executive, The Howard League for Penal Reform

Present: Anne Longfield, Children's Commissioner for England

Apologies: Tim Loughton MP, Co-Vice-Chair of the APPG for Looked After Children and Care Leavers
Emma Lewell-Buck MP
Lord McNally, Chairman of the Youth Justice Board for England and Wales
David Lammy MP

The meeting opened with a welcome from the Chair.

Panel comments:

- **Sir Martin Narey** thanked everyone who contacted him after the APPG meeting in March 2016.
- Martin said there is a temptation to focus on the negative aspects of children's homes but he found that those living in children's homes were treated overwhelmingly well and that he was encouraged by the looked after children and care leavers he interviewed to state this.
- Martin focused on debunking the myths around children's homes. He said that he found little evidence to support the idea that for a child to have the most successful experience in a children's home, it is vital that they are placed in a children's home near their local authority. He emphasised that finding a home that provides the right support for the child is more important than its location. He said that some children who had suffered abuse in their birth home found it positive to live further away from it.
- Martin said that he found little evidence that smaller children's homes are better for children than large ones. David Berridge has carried out an in-depth study and found that the more ordinary and less institutionalised the home, the better. Martin added that it is also a myth that Ofsted only approve of smaller children's homes.
- Martin said that he found many homes to be very impressive and living in a children's home can help to take the chaos out of a child's life. Martin said that the number of secure places has reduced over the years and he found that the secure homes he visited were also impressive.
- Martin said that the criminalisation of children in residential care does happen occasionally but it is a problem that is being tackled, there is more tolerance around the issue and more unwillingness from residential care workers to involve the police. He said there are still grounds

to improve it the most common reason to involve the police is around the issue of children who are at risk trying to leave the home late at night.

- Martin went on to discuss the qualifications of residential care workers. He found that the quality of relationships a worker has with the children and young people is much more important than staff having a level three diploma. He repeated his recommendation that the Government does not allow children's homes to follow the Scotland model.
- Martin concluded by discussing Staying Close arrangements. He said he is convinced that there is a need to keep young people in sheltered care after turning 18 and that Staying Close would allow young people to be supported but without close supervision. He repeated his recommendation about Staying Close.

- **Ben Connah** thanked Sir Martin for his review. In light of the fact that a General Election had been called, he said that what is said at the APPG reflects current Government policy as contained in the Government's response to Sir Martin's review.
- Ben said that the Government largely agreed with the recommendations made in the review.
- Ben discussed Staying Close and said that the Government hopes children leaving residential care are given the support they need in order to transition successfully into adulthood. He said that the arrangements are not intended to mirror Staying Put and that the Government are establishing and carrying out a set of trials in children's homes.
- Ben said that the Government agreed with Sir Martin that the cost of children's homes is an issue. He said that the Government is funding new commissioning arrangements over the next two years to ensure better value for money in the sector.
- Regarding the criminalisation of children in homes, Ben said that the Government accepts that it is a problem to be solved. He said that more widespread adoption of the South-East protocol (as recommended by Sir Martin) should help and will ensure that key agencies, such as the police, local authorities and the Youth Justice Board, will work together to find right solutions.
- Ben said that secure children's homes are relatively scarce and that the Government is moving towards a model with a central coordinating/commissioning function. This should mean that demand and supply issues are tackled and that local authorities will find it easier to find the right secure placement when necessary.
- Ben concluded by emphasising the need for both frontline workers and those who make decisions about commissioning and placements to shape and drive progress. He said that the Government will create a residential care leadership board in order to bring together key people from across the sector.

- **Helen Humphreys** said Ofsted welcomed Martin's report. She said that the high amount of 'good' and 'outstanding' children's homes was reassuring as many think it's much lower. She also acknowledged that many think the world would be a better place without Ofsted but said they are working hard to create a better experience for children in care.
- Helen said Ofsted has amended the frequency of inspections for children's homes that are rated 'good' or 'outstanding' – they will now only be inspected once a year, but retain the ability to return more frequently if necessary.
- With regard to restraint, Helen said that Ofsted has amended the wording in their guidance to make it clearer. She said they are also working with the Government to dispel myths surrounding Ofsted's guidance on restraint. For example, Ofsted do state that it should be used to prevent further danger to children and the regulations allow for this. She said that Ofsted's inspection reports do not indicate that there is a great concern around the poor use of restraint but, when it is to be used is a matter of professional judgement and this can be a problem for some staff members.

- Helen moved on to residential care staff qualifications and said that from 1st April 2016 staff must have a level three qualification. She said that there has been some push back from the sector with regard to this but emphasised the importance of having skilled staff. She said that Ofsted will look at the correlation between the quality of care and having a level three qualification – this will also be carried out for managers who have a level five qualification.
 - Helen said that Ofsted do not have preferred models for children’s homes but that they look for models that are fit for purpose.
 - Helen said that the social care inspection framework has been tweaked, for example, ‘requires improvement’ has been changed to ‘requires improvement to be good’. She said that there is more emphasis on the importance of positive relationships within the new inspection framework.
 - Helen said that Ofsted are working to show that children’s homes that aren’t rated ‘outstanding’ or ‘good’ can still be right for a child’s needs as can ‘inadequate’ homes.
 - With regard to Staying Close arrangements, Helen said that Ofsted are working with the Government on pilot projects to ensure they work well for young people. She added that Ofsted will also be taking forward the recommendations made in the Lenehan review into care of children with learning disabilities with regard to special schools and short breaks.
 - Helen concluded by saying that Ofsted intend to work with the residential care leadership board, when created.
 - Ofsted have also amended their policy on mobile settings to find creative solutions for children who present challenges and that they are looking at how inspections get in the way of these solutions.
 - She said Ofsted will continue to work with providers, the Government and other organisations to ensure that children in residential care make progress and that their experiences in children’s homes are positive.
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- **Frances Crook** introduced The Howard League for Penal Reform She said they are a small, independent charity that receives no government funding and this enables them to make clear and honest suggestions to the Government about improving the criminal justice system.
 - Frances said that the amount of child arrests has dropped by two thirds in the last three years – from 300,000 to 100,000. She said that this means police are not arresting children as much, police time is not being wasted and the route professionals are going down is the right one.
 - Frances said that when talking to the police, it became clear that residential care workers called them out to help them deal with the home’s problems. She said this is due to a lack of staff and staff training and that cells were being used as a form of respite care. She said this is not the case in all children’s homes but there are many that have this problem. Frances said that looked after children need love and support – she emphasised that the problem is the children’s home and not the children. She said that since lots of children’s homes are privately owned, the money made by them should be well spent to ensure the children there get love and support in the present and the future that they deserve.
 - Frances said the charity has secured funding for next two years to carry out a review focusing on the criminalisation of children in residential care homes. She said they are working with Become and they have set up an advisory group to ensure that it is an ethical review. They have put out a call for evidence and received 30 written submissions from inspectors, Youth Offending Teams, charities and the police. She said the first briefing will be published in the form of short briefing notes and it will look at the stories of young people who are represented by the lawyers who work for The Howard League.
 - Frances said she wanted to hear from lots of people but emphasised that what children and young people tell them will be at the heart of the review. She said they would like to hear from

those in care, those leaving care, care leavers, and the friends of those in residential care and she added that they will also be having conversations with providers and Ofsted.

Discussion (the floor was opened to questions).

Key themes:

Restraint

- A care leaver who lived in residential care said that, regarding staff using restraint, the problem is not the workers but the children. They said that the South-East protocol should be carried out as lots of staff members are too scared to restrain children in homes when it's necessary. Martin responded by saying that restraint should be avoided at all costs but sometimes it is necessary to keep a child safe. Martin said that he recommended making guidance clearer, particularly about restraining those who are at risk and trying to leave the home at night.
- Ben said that the main issue with restraint is that some workers don't feel they can lock a door or touch a child and that it is either a problem with the staff guidance itself or the way professionals understand the guidance. He said that the Government is carrying out work with residential care key workers to look at what the right solution is.
- A care leaver said that mandatory training should be given to residential care workers like the training received by staff members who work in SEN schools. Ben responded by saying that the Government are also planning to look into the implementation of training as a result of Sir Martin's findings.

Staying Close

- A care leaver who lived in residential care said that they were not able to return to their children's home when others were able to and that this is a problem. Martin responded by saying that implementing Staying Close arrangements should enable young people to be supported. He said that during his visits, a young person who used to live in a children's home was invited to come back for tea and toast even though it wasn't necessarily the home's policy.

Regulation 44 Visitors

- A looked after child in residential care said that children should be able to decide on who Regulation 44 Visitors are and how they should be inspecting children's homes. Martin agreed that children should be involved and said it is nonsense that they are appointed by private homes as this may make the reporting process more biased.
- Helen said that Regulation 44 Visitor reports are sent to Ofsted's Chief Inspector every month and some reports are excellent while some are not useful. She said that their role enables them to speak to children if they need to. She said that Ofsted welcome conversations around the issue of appointing the visitors but they are resisting Ofsted having this responsibility.

Criminalisation of children in residential care

- A professional emphasised the need to look at children in care as a whole, not just the criminalisation of children, and said that there is a particular issue with regard to black and ethnic minority children being placed in children's homes where staff are unaware of how to support them with their needs such as hair and skin care, food and supporting them to feel connected with their cultural identity. Frances said that there is an issue with local authorities placing young black people from inner city areas in overwhelmingly white areas.
- A looked after child in residential care said that no young person should spend a night in a cell unless they have committed a serious offence. They added that children in residential care need love and attention and are extremely vulnerable because of this which may lead to

showing behaviour that challenges. The Chair pointed out that a child's mental health should also be considered as this often leads to showing behaviour that challenges and an arrest. Frances responded by saying that many children's homes have protocols in place that do not work. Ben agreed that a child should not spend a night in a cell and said there is clearly more to be done to avoid this, even though children are rarely arrested.

Staff member qualifications

- The Chair asked Martin whether the issue with staff qualifications can be reconciled with appropriate staff training. Martin said that lots of the staff he met with had undertaken training at local FE college and their general knowledge was very good. He went on to say that the managers of children's homes should be qualified social workers. He added that it would be troubling to lose the staff who aren't qualified in this way.
- A care-experienced professional said that staff need specific and mandatory training about the care of black and ethnic minority children. Ben said he would take this into account as it's an important issue that hadn't been raised before, but that corporate parents ought to be taking issues of identity into consideration when devising care plans.
- A care-experienced adult said that care-experienced adults should be able to train those working in care. They asked what made the panel an authority in this area considering they are not care-experienced. Frances responded by saying The Howard League are not an authority on children in care but for young people in custody and that those young people, as well as those in care, will be guiding their work. Helen said that given Ofsted's responsibilities, they work with range of people, for example, care-experienced people from different generations. She said that she had started her career by working in a children's home, she still carries out direct inspection work and continues to gain new experiences and new information. She said that Ofsted never pretends to know everything but believes it is well informed.
- A professional said residential care staff should have degrees and master's qualifications with knowledge of social pedagogy because looked after children deserve to be cared by people who know what they are doing and those who are therefore able to carry out therapeutic techniques. They said it is not about losing staff but about training them.
- A professional who is part of a research team that looks at qualifications of residential care workers in European countries said that it is unusual for those working in Europe to not have a level three qualification and, given the complexities of the experiences that children in care have, they should be highly qualified. They said that Scotland is currently moving to a graduate work force. GPs are expected to be qualified and asked why residential care workers aren't.
- Martin said that a chapter in his review focuses on the importance of understanding social pedagogy as an academic discipline. He said one must be careful about European comparisons since there are more residential care homes for children in Europe. He said that it may have to be accepted that there are both professional and unqualified workers in residential care homes in England. He added that a young person he had heard from said that residential care supported them in a way that foster care could not have.
- A professional said that it is important for residential care staff to strive for a qualification but it is not necessary that they have one to be able to work in a children's home.

Other issues raised

- A care leaver said that Ofsted should visit 'good' or 'outstanding' children's homes twice a year rather than once because issues can remain hidden - Helen acknowledged this.
- A professional whose organisation had written a report on this topic asked Helen what is being done to ensure that young people's views are taken into consideration. Helen responded by saying that they are contacting young people face to face, via Skype, emails, messaging and by circulating a survey which will be going out next month. She said that Ofsted inspectors are

aware of the report and it has been used to influence their training. She also confirmed that a child or young person's views can directly impact an inspector's line of inquiry.

Thanks from Chair

The Chair thanked everyone for coming and said that due to the general election and recess dates, it may be November before the next meeting is held.