

16 July 2012

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Children's homes, child sexual exploitation and children missing from care

Purpose of report

For discussion and direction.

Summary

A joint inquiry of two All Party Parliamentary Groups (APPG) and an interim report by the Office of the Children's Commissioner, along with recent prosecutions, have highlighted serious concerns about failings in the system to effectively protect children who go missing from care and the associated risk of sexual exploitation. Both reports have criticised the residential care home system.

On 3 July the Government published its combined response to both reports, setting out plans for urgent reform.

This paper sets out key issues and a number of suggested LGA policy positions for members' discussion and agreement.

Recommendations

That members discuss the issues set out in the paper and:

1. Make suggestions about how the system can be improved
2. Subject to discussion, agree recommendations at **paragraphs 3, 4, 5, 13, 17 and 20.**

Action

LGA officers to action as directed.

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Children's homes, child sexual exploitation and children missing from care

Background

1. Two All Party Parliamentary Groups (APPG) have highlighted serious concerns about failings in the system to protect children who go missing from care and the associated risk of sexual exploitation. The majority of children that have suffered sexual exploitation are not in care, but looked after children account for a disproportionate number of the victims¹. In addition, following the recent case in Rochdale, the Secretary of State asked the Office of the Children's Commissioner (OCC) for an interim report of its two year child sexual exploitation inquiry with specific recommendations on children's homes. This was published on 3 July, as was the Government's combined response to it and the APPG report, alongside a progress report on the Child Sexual Exploitation National Action Plan.
2. The Government has stated the need for urgent reform and announced measures aimed at: creating a clear picture of children missing from care; ensuring children's homes are properly protected and located; helping children be located in homes nearer to their local area; driving up the quality and effectiveness of children's homes. Further detail on these is provided below, along with suggested LGA policy positions for member discussion and agreement.
3. The implication of these reports is that councils are not fulfilling their corporate parenting duties. Councillors can play a hugely important leadership role in providing challenge and scrutiny to drive up standards of services for looked after children. **It is recommended that the LGA does further work to actively promote and support councillors' role in corporate parenting. Members are asked to suggest how this can best be achieved.**

Creating a clear picture of children missing from care

4. The APPG report demonstrated that the differing ways services record incidents of children missing from care has caused significant statistical discrepancies. Recommendations include achieving consensus on recording data and a local authority performance scorecard. The Government is establishing an expert group to develop 'a robust, transparent and high quality data system'. **It is recommended that the LGA:**

¹ Estimated at circa 20-35%, with only 1% of the child population in care.

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- 4.1. supports harmonisation of definitions and reporting in order to achieve a clearer picture of the problem. This should draw on work already undertaken by the Children's Improvement Board on data sets where possible;
- 4.2. opposes the introduction of a scorecard on the basis that: it is a multi-agency responsibility; a plethora of scorecards is not consistent with wider government policy on local government performance and improvement; the vast majority of the public are not service users and so scorecards will not be used by them to hold councils to account; and the data discrepancy must first be resolved, so that the problem is clearly measured and understood; and
- 4.3. ensures the link is made to sector-led improvement, where appropriate, and seek representation of a relevant representative on the working group.

Ensuring children's homes are properly protected and located

5. The Government will make changes to regulations so that Ofsted can share information about the location of children's homes with the police and other relevant bodies. This has been a widely shared criticism of the current system, as it prevents the police from effectively protecting victims and targeting perpetrators. **It is recommended that** the LGA supports this as a sensible change.

Helping children be located in homes nearer to their local area

6. There are around 65,000 children in care in England. The majority live in foster care, but around 7% live in the 1,810 children's homes across the country. They are more likely to be older and have complex needs. 29% of children in children's homes have had at least five previous placements.
7. The Children's Act 1989 requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area ('the sufficiency duty').
8. However, almost half of all children in children's homes (46%) are placed outside of their home authority, for various reasons. In some cases, children need to be placed away from their home area for their own safety, but it is unlikely that all out of area placements are for that reason. Distant placements

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would be less likely if councils had good value, high quality homes locally, but achieving that would require more effective commissioning.

9. There is a mixed market of provision, with councils owning 24% of homes and the majority in the independent sector, run either by charities or private businesses. There is significant geographic clustering of children's homes, most likely due to private companies attracted by lower property prices. This has caused tension between councils and the Minister is also concerned about the suitability of vulnerable children being placed in areas that he considers have high levels of social problems.
10. There appears to be a fundamental mismatch between the clustered supply of provision and the desire for children to be placed nearer to their home area. Local government is limited in its ability to control where businesses locate children's homes, although could potentially play more of a 'market shaping role through working together to commission services. Councils could also consider setting up more children's homes themselves to fill gaps in the market.
11. In addition to the debate about why councils place a large proportion of children in homes out of area, there is also the issue of the effectiveness of the relationship between the 'home' and 'host' authorities and the balance of responsibilities. The APPG reported that guidance on the notification process for out of area placements is too often not observed, impacting on councils' ability to fulfil their safeguarding duties. There is also an argument that large distances make it difficult for social workers to maintain support, exacerbated by the lack of an established relationship with other local agencies such as the police and health.
12. Ministers have announced a Task and Finish Group to look at these issues, which will report in September, with a consultation on changes to follow in the autumn. Cllr Simmonds has been invited to sit on this group.
13. **Members are asked to consider the following positions and make any additional suggestions about how the system could be improved.**
 - 13.1. Accept that looked after children are particularly vulnerable and that there needs to be reform of the highly complex children's home system, but going missing and child sexual exploitation are wider issues that can affect children from all backgrounds and areas.
 - 13.2. Support a review of how decisions are made and risks assessed when placing children out of area.

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- 13.3. However, flexibility must be maintained so that decisions can still be made in the interests of each individual child and there are limitations to the market's current ability to provide local placements for all children. An arbitrary distance limit should not be imposed.
- 13.4. The market could be developed in the longer-term by supporting councils in their 'market shaping' role, so that they can better encourage private providers to locate in certain areas by leveraging collaborative commissioning power or establish more children's homes themselves.
- 13.5. There has been some suggestion of creating what essentially amounts to 'no go areas' for children's homes as a result of risk mapping. Vulnerable children must be safe, but a more sensible approach would be to ensure other planned measures enable better risk management and improved working with the police to address the challenges in some areas.

Driving up quality and effectiveness of children's homes

14. The APPG reported that many witnesses raised the issue of variable quality of staff in children's homes and the low levels of training as a key factor in low standards. Councils rely on Ofsted ratings of independent children's homes to inform their decisions on procuring placements. Despite the criticism levelled at the system, only 2 percent of homes are rated inadequate, although Ofsted has a revised inspection framework for children's homes, in force from 1st April this year.
15. Ministers are setting up a further expert working group that will have a broad remit to review and develop a clear action plan to drive up the quality of provision being delivered within children's homes, including the qualifications and skills of the workforce. It will review questions relating to: the location of homes and models of ownership and commissioning practice; how homes can offer a more therapeutic environment to help children overcome their difficulties; what staff development is needed to manage children's behaviour, including when it is appropriate to use restraint; and the effectiveness of current arrangements to drive improvement across the sector.
16. The group will report to ministers by December, with a clear reform timetable. Cllr David Simmonds has been invited to sit on this group.
17. **It is recommended that the LGA:**
- 17.1. Supports a review of skills and training for children's home staff, drawing on existing social work reform programmes where relevant;

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- 17.2. Encourages councils to lead by example in its own children's homes when training and appointing staff;
- 17.3. Calls for Ofsted to ensure its judgments better support appropriate placement and commissioning decisions; and
- 17.4. Supports councils to improve commissioning in children's services, linking to the LGA's wider work on commissioning.

Conclusion

- 18. This is a complex set of issues, which has highlighted system-wide challenges. It has also specifically raised concern about councils' fulfilment of the sufficiency duty and their corporate parenting role for a very vulnerable group of children, with implications for local government's reputation.
- 19. The Government has set out its plans for reform and the LGA will continue to liaise with the Department and other stakeholders, including through Cllr Simmonds' position on two of the working groups. Children's Improvement Board officers are also in discussion with the Department for Education about a possible role in supporting improvement on these issues in the sector.
- 20. **Members are also asked to consider** whether any research may be useful in supporting this work strand, for example in identifying good practice in council-run children's homes that could be shared or how councils are meeting their sufficiency duty and the associated challenges.