



# **Children & Young People Board**

Agenda

**Tuesday, 14 March 2023**  
**1.00 pm**

Hybrid Meeting - Victoria Room, 8<sup>th</sup> Floor, 18  
Smith Square, SW1P 3HZ and Online

There will be a meeting of the Children & Young People Board at **1.00 pm on Tuesday, 14 March 2023** Hybrid Meeting - 18 Smith Square and Online.

### **LGA Hybrid Meetings**

All of our meetings are available to join in person at [18 Smith Square](#) or remotely via videoconference as part of our hybrid approach. We will ask you to confirm in advance if you will be joining each meeting in person or remotely so we can plan accordingly, if you wish to attend the meeting in person, please also remember to confirm whether you have any dietary/accessibility requirements. 18 Smith Square is a Covid-19 secure venue and measures are in place to keep you safe when you attend a meeting or visit the building in person.

[Please see guidance for Members and Visitors to 18 Smith Square here](#)

### **Catering and Refreshments:**

If the meeting is scheduled to take place at lunchtime, a sandwich lunch will be available.

### **Political Group meetings and pre-meetings for Lead Members:**

Please contact your political group as outlined below for further details.

### **Apologies:**

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

<b>Conservative:</b>	Group Office: 020 7664 3223	email: <a href="mailto:lgaconservatives@local.gov.uk">lgaconservatives@local.gov.uk</a>
<b>Labour:</b>	Group Office: 020 7664 3263	email: <a href="mailto:labgp@lga.gov.uk">labgp@lga.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
<b>Liberal Democrat:</b>	Group Office: 020 7664 3235	email: <a href="mailto:libdem@local.gov.uk">libdem@local.gov.uk</a>

### **Attendance:**

Your attendance, whether it be in person or virtual, will be noted by the clerk at the meeting.

### **LGA Contact:**

Abigail Benari  
[abigail.benari@local.gov.uk](mailto:abigail.benari@local.gov.uk)

### **Carers' Allowance**

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

## Children & Young People Board – Membership

[Click here for accessible information on membership](#)

Councillor	Authority
<b>Conservative ( 7 )</b>	
Cllr Patricia Bradwell OBE (Vice Chairman)	Lincolnshire County Council
Cllr Roger Gough	Kent County Council
Cllr Kam Kaur	Warwickshire County Council
Cllr Laura Mayes	Wiltshire Council
Cllr Antony Mullen	Sunderland City
Cllr Mark Sutton	Staffordshire County Council
Cllr Adrian Hardman	Worcestershire County Council
<b>Substitutes</b>	
Cllr Ryan Brent	Portsmouth City Council
Cllr Robert Flatley	Derbyshire County Council
<b>Labour ( 7 )</b>	
Cllr Louise Gittins (Chair)	Cheshire West and Chester Council
Cllr Beverley Momenabadi	Wolverhampton City
Cllr Adam Ellison	South Tyneside Council
Cllr Fiona Venner	Leeds City Council
Cllr Imran Khan	Bradford Metropolitan District Council
Cllr Mili Patel	Brent Council
Cllr Tim Roca	Westminster City Council
<b>Substitutes</b>	
Cllr Gary Bridges	Manchester City Council
Cllr Daniel Francis	Bexley Council
Cllr Leigh Redman	Somerset County Council
<b>Liberal Democrat ( 2 )</b>	
Cllr Lucy Nethsingha (Deputy Chair)	Cambridgeshire County Council
Cllr Mark Cory	Colchester Borough Council
<b>Substitutes</b>	
Cllr Dine Romero	Bath & North East Somerset Council
<b>Independent ( 2 )</b>	
Cllr Julie Fallon (Deputy Chair)	Conwy County Borough Council
Cllr Judy Jennings	Epping Forest District Council
<b>Substitutes</b>	
Cllr Julian Dean	Shropshire Council
Cllr Charlie Hull	South Somerset District Council
Cllr Jon Hubbard	Wiltshire Council
Cllr Edward Maxfield	Norfolk County Council

## Agenda

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### Children & Young People Board

Tuesday, 14 March 2023

1.00 pm

Hybrid Meeting - 18 Smith Square and Online

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**Date of Next Meeting:** Tuesday, 27 June 2023, 11.00 am, Hybrid Meeting - 18 Smith Square and Online

## Minutes of last Children & Young People Board meeting

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### Children & Young People Board

Tuesday, 24 January 2023

Victoria Room, 8th Floor, 18 Smith Square, London, SW1P 3HZ

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#### Attendance

An attendance list is attached as **Appendix A**

Item	Decisions and actions
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<b>1</b>	<b>Welcome, Apologies and Substitutes, Declarations of Interest</b>
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The Chair welcomed members of the Children and Young People Board to the meeting.

Apologies were received from Cllr Mark Cory.

There were no declarations of interest.

<b>2</b>	<b>Note of the Previous Meeting</b>
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The minutes of the previous meeting was agreed.

<b>3</b>	<b>LGA Plan</b>
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The Chair invited Ian Keating, Principal Policy Adviser to outline the new 3-year business plan for 2022-25. The LGA Plan sets the direction for the LGA as a whole and includes our policy and campaigning priorities for the period.

Member's comments:

- A member raised the view that children's voices were not heard enough in Board meetings.
- A member highlighted that LGA's partnering professional bodies such as ADASS and ADCS networks were not included in the plan. Ian Keating explained that this may not be possible to be included in the LGA plan, but this would be included in future discussions on priorities.
- Following queries, it was clarified that Equality, Diversity and Inclusion (EDI) issues would be addressed throughout the LGA plan and across the LGA internally.

Ian Keating explained that the end of year report would feedback on progress, and mentioned the CYP Plan, which is agreed every September.

#### Decision

The Children and Young People Board reviewed the Plan and discussed any changes to its workplan to reflect the overall LGA direction and priorities.

#### Action

- Officers to consider a future item to discuss young people's attendance to Board meetings.

## **4 Delivering Better Value in SEND programme**

The Chair invited Christopher Kelly, Director of Children Services at Newton Europe to introduce the item. Newton Europe had been commissioned by the Department for Education (DfE) to deliver phase one of 'Delivering Better Value in SEND programme' (DBVS), which is aiming to support councils to improve delivery of SEND services for children and young people while ensuring services are sustainable.

Christopher Kelly invited colleagues Steve Knight, a Partner at Newton and Phil Gibby, Accountant from the Chartered Institute of Public Finance and Accountancy (CIPFRA) who are working closely with Newton on this project - to aid in presenting the 'Newton-CIPFA Update' [presentation](#).

Newton colleagues made the following comments:

- The Methodology behind Newton's approach was adapted after speaking with the 55 councils involved to reflect the initiative and work already being undertaken to make better use of resources in the delivery of SEND support.
- The DBV in SEND programme was just one of many projects that form part of the DfE's work on SEND reform, as set out in the Green paper published in March 2022.
- The programme is currently at the end of tranche one out of three, with grants being awarded and implementation beginning for one tranche one councils in early 2023.
- For councils not on the lists as set out on page 19 of the agenda, themes, learning and outcomes of the programme would be circulated to help inform their work on making best use of high needs funding.
- The insights presented are the summation of the work undertaken on modules 1 and 2, baselines and forecasts and the root causes diagnostic.

Members comments:

- A general concern was raised that the grant funding being offered was not sufficient and there was a need to greater understand how the programme would tackle accumulating deficits.
- A member expressed concern that the evidence presented supports patterns and concerns raised with SEND demand and spending that were known in 2016.
- A concern was raised regarding the engagement of the partners in joint delivery of the programme for instance, with Integrated Care Partnerships (ICPs).

- Concern was raised regarding how increased mainstream inclusion could be achieved in light of the abandonment of the Schools Bill.
- A member raised positive feedback having been through a similar process, where SEND spending did become more manageable. The member highlighted the value of guidance information provision to schools and parents, plus a phoneline for teachers when struggling with SEN children in mainstream classrooms.
- A member raised the need for the voice of children and young people to be included in this work.

In response to Members, Newton colleagues made the following comments:

- That funding would stem the increase in deficits, not reverse them, and their role was to feedback the data-based evidence, even if the programme would not close the deficit.
- Newton colleagues noted the evidence being known in 2016 and emphasised the value of the large amount of evidence they would feedback to DfE.
- Newton colleagues acknowledged the notion of collective responsibility, and the work that would be needed to ensure collaborative working through funding and a joint vision on the ground.
- Newton colleagues outlined their engagement with health colleagues on evidence gathering at ground level, and the strong relationships at the top (DfE, NHS England reps) but acknowledged that engagement was varied 'in the middle' as the Local Authority is the convener at this level and thus engagement is dependent on pre-existing relationships.
- Newton colleagues outlined that a discrete output of the programme was training and upskilling the local areas to ensure a sustainable legacy of the work, through provision of events, workshops and round tables which had been a good vehicle for sharing best practice.
- Newton colleagues highlighted although the voice of children and young people had been present in evidence collation, they sought to increase this in tranche 2 of the programme.

#### Decision

Members provided feedback on the DBVS programme's progress and considered how the findings can feed into the LGA's wider work on SEND.

#### Action

- Officers to consider inviting Newton Colleagues back to a future Board to share future learnings.

## **5 Workforce Capacity in Local Government**

The Chair invited Heather Wills, Principal Adviser (Improvement), to introduce the report, which summarised the LGA's policy and improvement activity to address workforce capacity challenges in local government and sought the Board's feedback on priorities for future activity. This would be fed back to the Resources Board and Executive

Advisory Board.

Members comments:

- A member raised the need for a national cap to be implemented on the amount agency workers in health and social care should be paid, as there was increasing competition between councils for the same people leading to bidding wars. Also, the issues that arise when you cannot employ one agency worker, you must employ a team. Ofsted shared this concern. In this member's local area, a solution was sought in the signing of a Memorandum of Cooperation which ensured councils stopped outbidding each other.
- A member raised concern for the high turnover of staff, as many people leave councils after being trained because they can receive higher compensation elsewhere in roles such as specialist teaching assistants. Thus, there is a need to incentivise working for a council such as additional time off, flexibility, benefits, and work culture to create loyalty.
- A member raised the restrictions placed on training of staff, for instance only a small number of educational psychologists can be trained by councils each year and suggested that conversations should begin with universities and other bodies to expand training.
- There was a request for the LGA to consider the advantages and disadvantages of international recruitment in social care and how to manage this.

Louise Smith, Senior Adviser advised that the LGA, DfE and ADfCS had been in discussions surrounding the agency issues mentioned, creating proposals on how to better manage these issues which had been awaiting ministerial approval. A formal response is anticipated when the response to the care review would be released.

In response to Members, Heather Wills made the following comments:

- The LGA is lobbying to ensure that the NHS workforce strategy is integrated, including adult social care. This demonstrated the need for a holistic approach which could be mirrored for children and families
- The LGA currently work with councils to help deliver different models of working, such as flexibility and improved culture.
- Work is being started to map out pathways to develop each profession and understand where conversations need to be had with academic institutions.
- HR advice is that it will usually be preferable to recruit locally, but there is understanding of the urgency of the situation and so consideration was being given to how international recruitment can be best supported.

Heather Wills thanked members for their input, which will be integrated into the drafting of a paper for Executive Advisory Board. Members were advised that the LGA would be engaging with government on consultation children and families social workforce consultation.

#### Decision

The Children and Young People Board noted the LGA's policy and improvement activity to address workforce capacity challenges in local government and endorsed the next steps set out in paragraph 58 of the



report.

## 6 Youth Justice Board

The Chair invited Keith Fraser, Chair of the Youth Justice Board (YJB), to give an update on the Youth Justice Board's work and explore areas for joint working and collaboration with local authorities.

Keith made the following comments to accompany his [presentation](#):

- The Youth Justice Board was created to prevent children coming back into the justice system, alongside continued work on prevention.
- 'Child First' approach emphasised children being children, evidence has shown that they are not 'little adults.'
- The average age group of children coming into the system had risen and more serious crimes was being committed, increased likelihood of transition to the adult estate.

Members comments:

- A Member requested that as the Board and YJB continued to work together, work should be focused on the statistics provided, detailing that 71% of children in the youth justice system who had speech, language, and communication needs. Another member raised that neurodiversity should be a wider focus.

### Decision

Members are to provide feedback on the challenges and opportunities arising for councils regarding youth justice, share good practice and highlight relevant topics following the presentation from YJB. Potential for this to take place at a future meeting.

### Action

- Members to consider the presentation and opportunities for councils to work with YJB.
- Officers to consider YJB for a future meeting for Keith to receive feedback.

## 7 AOB

The Chair invited Cllr Fiona Venner to feedback on the Children's Placements Working Group:

- The group had met once and planned to meet on 20 February. The focus was to consider how to improve the sufficiency of placements for children in care. Cllr Venner noted that many councils were paying very high prices for residential placements.
- The working group had discussed some of the causes of increased pressure on placements, including rising numbers of unaccompanied asylum-seeking children, along with the increase in number of adolescents in care.
- Further work had started to understand what "good" looks like in

foster care recruitment and retention and how to create a long-term solutions to provide in-house foster care and children's homes.

Action

- Officers to consider feedback from the working group as a March agenda item.

**Appendix A -Attendance**

Position/Role	Councillor	Authority
Chairman	Cllr Louise Gittins	Cheshire West and Chester Council
Vice-Chairman	Cllr Patricia Bradwell OBE	Lincolnshire County Council
Deputy-chairman	Cllr Lucy Nethsingha	Cambridgeshire County Council
	Cllr Julie Fallon	Conwy County Borough Council
Members	Cllr Roger Gough	Kent County Council
	Cllr Kam Kaur	Warwickshire County Council
	Cllr Laura Mayes	Wiltshire Council
	Cllr Antony Mullen	Sunderland City
	Cllr Mark Sutton	Staffordshire County Council
	Cllr Adrian Hardman	Worcestershire County Council
	Cllr Beverley Momenabadi	Wolverhampton City
	Cllr Adam Ellison	South Tyneside Council
	Cllr Fiona Venner	Leeds City Council
	Cllr Imran Khan	Bradford Metropolitan District Council
	Cllr Mili Patel	Brent Council
	Cllr Tim Roca	Westminster City Council
	Cllr Judy Jennings	Epping Forest District Council
Apologies	Cllr Mark Cory	Colchester Borough Council
In Attendance	Jessica Hill	Press
	Christopher Kelly	Newton Europe
	Steven Knight	Newton Europe
	Phil Gibby	Newton Europe
	Keith Fraser	Youth Justice Board
	Cllr Robert Flatley	Derbyshire County Council
	Cllr Daniel Francis	Bexley Council
	Cllr Garry Bridges	Manchester City Council
	Cllr Leigh Redman	Somerset County Council
	Cllr Edward Maxfield	Norfolk County Council
LGA Officers	Abigail Benari	
	Amy Haldane	
	Clive Harris	
	Dionne Hopkins	
	Ian Keating	
	David Mills	
	Aurora Petrova	
	Francesca Scott	
	Louise Smith	
	Flora Wilkie	
	Heather Wills	





**Meeting:** Children and Young People Board

**Date:** 14 March 2023



## Early Years Education and Childcare

### Purpose of report

For direction

### Summary

There are known challenges with the early education and childcare system in England in relation to cost for parents, access to local provision and support for more vulnerable children. This item seeks member's views on the future policy direction for early years education and childcare.

### Recommendation/s

That the Children and Young people Board consider policy options for early years education and childcare, in particular providing a steer on the questions outlined at paragraph 11.

### Contact details

Contact officer: Flora Wilkie

Position: Adviser

Phone no: 07776558312

Email: [flora.wilkie@local.gov.uk](mailto:flora.wilkie@local.gov.uk)

## Early years education and childcare



### Background

1. Councils must secure 'early childhood services' for the benefit of parents, prospective parents and young children, taking 'reasonable steps' to involve parents, early years providers and other relevant people in those arrangements. They must also consider the quantity and quality of services, and where in the area they are provided, and consider the views of young children where possible. Councils must also make sure that there is enough childcare available for every eligible two, three and four-year-old to access their free 15 or 30 hours per week.
2. All three- to four-year-olds in England can get 570 hours of free early education or early years childcare per year from the term after their third birthday. This is usually taken as 15 hours a week for 38 weeks of the year, or traditional school term-time.
3. Children of parents (including foster parents) who are working and each earning at least £120 a week, but no more than £100,000 a year, are eligible for an additional 15 hours free childcare on top of the universal offer.
4. An item on early years education and childcare came to the CYP Board in early 2022 where Board members recognised the challenges facing the early years system. Since then, the challenges facing early years providers have exacerbated with an increased number of providers closing. National data suggests there is not yet a national sufficiency challenge but this varies across regions and local areas.
5. The Coram annual childcare survey will be released in March. Early findings suggested that parents are facing increasingly high costs and early years providers are closing at short notice.
6. The early years education and childcare system is also getting high profile media attention with campaigns by others in the sector, such as the charity Pregnant then Screwed, highlighting the costs to families. Part of the cause of this cost is an underfunding of early years entitlements, which is requiring providers to charge more for non-government funded hours.
7. Local authorities, despite having a statutory duty to secure early childhood services, have limited tools to develop and change the market. They are often not told when a provider opens or closes.
8. Other challenges include:
  - A complex system with multiple interventions that is difficult for families to understand and navigate.

- The high cost of provision is resulting in fewer people entering and staying in work, this is disproportionately affecting women.
- There is an increase in settings closing, many of these closures are happening abruptly. This is leaving parents in some areas without access to childcare.
- High numbers of childminders leaving the system.
- Fewer providers offering early entitlements.
- There is an increasing gap between disadvantaged families and families that can afford childcare, despite free entitlements.
- Workforce recruitment and retention. There are fewer high skilled staff.
- Children have increasingly complex needs such as speech, language and communication needs.
- Local authorities have historically had weak tools with which to manage the market and these have lessened over time.
- The childminder agency approach has proved challenging to align with local authority support to childminders. There has recently been an inadequate inspection of the Rutland childminder agency which has resulted in local authorities providing enhanced support to those childminders that have been registered with this agency, and the families that use those childminders.

## Proposal

9. Given the challenges within the existing system and the impact it is having on access to work, particularly for women, the LGA would like to ensure there is an early years offer that works for all children, families, providers and local authorities. This requires thinking beyond tweaks to the current system.
10. The LGA is holding a series of roundtables with early years leads in local authorities to develop our early years approach. We will be triangulating this feedback with wider research including research conducted by Isos Partnership on early years provider closures, analysis of early years provision in other countries and engagement with early years stakeholders.
11. To kick off this work, we would welcome an initial steer from members on:
  - What should we be trying to achieve with the early years education and childcare system?
  - What is the role of local authorities in this?
  - What does a new system need? What do local authorities need to deliver this?
  - What should the priority be for the LGA?

## Implications for Wales

12. None – the provision of early education is devolved.

## Financial Implications

13. It is likely that proposals to the early years system would require changes to the current way of investing in early years support from national government. This could include repurposing the existing funding or including further funding.
14. There are no financial implications for the LGA.

## Equalities implications

15. There is disproportionality in access to early years education and childcare. The quality of provision is worse in deprived areas, with more settings in deprived areas being rated less than good, than those in the least deprived areas. Two-year-olds from more disadvantaged families get access to 15 hours of free entitlements, however there is some evidence of providers restricting these entitlements as they cannot afford to offer them.
16. There is also disproportionality in the attainment of children within the early years education system. In 2022, 67 per cent of white students achieve a good level of development compared to 61 per cent of Black African children and 60 per cent of Pakistani children. There is disproportionality in gender with girls performing better than boys with 71.9 per cent of girls achieving a good level of development compared to 58.7 per cent of boys.
17. We know that there have been acute challenges for providers in supporting children with SEND. In 2022, 22.9 per cent of children with SEN support had a good level of development which is over six times higher than children with an Education, Health and Care plan at 3.6 per cent. 65.2 per cent of all children achieve a good level of development.
18. Children from poorer areas are less likely to be 'school ready' than those from more affluent backgrounds. In 2022, 49.1 per cent of children eligible for free school meals achieve a good level of development, compared to 68.8 per cent of their peers.

## Next steps

19. Officers will continue to develop the LGA's vision for early years education and childcare and return to the CYP Board in June with a refined position for sign off. Conversations will take place throughout this process with lead members.



**Meeting:** Children and Young People Board

**Date:** 14 March 2023



## The Rt Hon Claire Coutinho MP

**Parliamentary Under Secretary of State at the Department for Education  
(Minister for Children, Families and Wellbeing)**



### Biography

Claire Coutinho was appointed Parliamentary Under Secretary of State at the Department for Education on 26 October 2022.

She was previously Parliamentary Under Secretary of State at the Department for Work and Pensions from 21 September to 27 October 2022.

### Education

Claire was educated at Exeter College, Oxford University.

### Political career

Claire was elected Conservative MP for East Surrey on 12 December 2019.

Claire was previously Parliamentary Private Secretary to Chancellor of the Exchequer at the time, Rishi Sunak until July 2022.

Prior to being elected to Parliament, Claire was special adviser to Rishi Sunak during his time as Chief Secretary to the Treasury.

Before her political career, Claire worked in the finance and investment banking.

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Local Government Association company number 11177145  
Improvement and Development Agency for Local Government company number 0367557

**Chairman:** Councillor James Jamieson OBE **Chief Executive:** Mark Lloyd CBE **President:** Baroness Grey-Thompson



**Meeting:** Children and Young People Board

**Date:** Tuesday 14 March 2023



## Children’s social care implementation strategy

### Purpose of report

For direction

### Summary

On 2 February 2023, the Government published “Stable Homes, Built on Love”, its children’s social care implementation strategy and consultation. The LGA will be responding to the consultation on behalf of councils; this discussion is an opportunity for councillors to provide their views on the strategy to inform the consultation response.

### Recommendation/s

That the Children and Young People Board provides views on the children’s social care implementation strategy to inform the LGA’s response to the consultation. The final consultation response will be signed off by Lead Members in line with usual process.

### Contact details

Contact officer: Louise Smith

Position: Senior Adviser – Children and Young People

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Email: [louise.smith@local.gov.uk](mailto:louise.smith@local.gov.uk)

## Children's social care implementation strategy



### Background

1. "Stable Homes, Built on Love" is the Government's response to three independent reports published in 2022:
  - The Independent Review of Children's Social Care
  - The Child Safeguarding Practice Review Panel Report on the deaths of Star Hobson and Arthur Labinjo-Hughes
  - The Competition and Markets Authority Children's Social Care market study.
2. The report consists of an implementation strategy and a consultation on its proposals, plus plans for £200 million of additional investment over the next two years. The strategy covers Phase One of the Government's reforms, up to the end of this Spending Review period in March 2025. Phase One focuses on making immediate improvements where possible and laying the foundations for future reform. Subsequent phases are subject to funding, parliamentary time and the outcome of consultation exercises, but are intended to embed reform everywhere.
3. Alongside the main strategy and consultation, two further consultations were published on the children and families social worker workforce and a children's social care national framework and dashboard. The LGA will respond to all three consultations.

### Proposal

4. A briefing on the strategy is attached at Appendix A, including a summary of the strategy and an initial LGA view on these.
5. The Board is invited to share views on the proposals, including any issues that members feel have been missed or issues where the LGA should focus particular attention on behalf of its members.

### Implications for Wales

6. The strategy applies to England only as children's social care is devolved in Wales. However, there are likely to be implications for children's social care in Wales, for example placement sufficiency challenges in both countries are having an impact on where children in care are placed.

## Financial Implications

7. There are no financial implications for the LGA. However children's social care is one of the largest areas of spend for county and unitary councils, with increasing spend being driven by factors including rising demand, increasing complexity of need and the cost of placements.

## Equalities implications

8. The strategy specifically addresses a range of equalities issues including the fact that children from black and Asian backgrounds who are removed from their family are less likely than children from a white or mixed ethnic group to receive support before this happens. Parents of disabled children face challenges in accessing the right support, while children who live in the more deprived 10 per cent of neighbourhoods are 10 times more likely to be in care or on a child protection plan than children in the least deprived 10 per cent.
9. The strategy states that the Families First for Children pathfinders to be established in up to 12 council areas will specifically consider how to ensure that different children and families receive effective help, including children with SEND; young carers; children with no recourse to public funds; teenagers and children experiencing harm in their community; black; Asian and ethnic minority families; and parents who have previously had a child removed by the Family Court.
10. The Board will wish to consider whether the strategy goes far enough in addressing equalities issues within children's social care.

## Next steps

11. Feedback from the Board will be used to inform the LGA's response to the consultation. The final consultation response will be signed off by Lead Members in line with usual process.
12. The strategy indicates a range of future consultations and potential changes to legislation. These will be brought to the Board as appropriate.

# Appendix A

## Children’s social care reform: implementation strategy and consultation

February 2023

### 1. Introduction

1.1. On 2 February 2023, the Department for Education (DfE) published its response to three reports:

- the [Independent Review of Children’s Social Care](#) (“the Care Review”)
- the [Child Safeguarding Practice Review Panel Report on the deaths of Star Hobson and Arthur Labinjo-Hughes](#) (“the National Panel review”)
- the [Competition and Markets Authority Children’s Social Care market study](#) (“the CMA report”).

1.2. The report consists of an [implementation strategy and a consultation](#) on its proposals, plus plans for £200 million of additional investment over the next two years. The strategy covers Phase One of the Government’s reforms, up to the end of this Spending Review period in March 2025. Phase One focuses on making immediate improvements where possible and laying the foundations for future reform. Subsequent phases are subject to funding, parliamentary time and the outcome of consultation exercises, but are intended to embed reform everywhere.

1.3. Alongside the main strategy and consultation, two further consultations were published on the [children and families social worker workforce](#), and a [children’s social care national framework and dashboard](#). This briefing does not cover these additional consultations, though the LGA intends to respond to all.

1.4. This briefing outlines the content of the strategy and an initial LGA view as a basis for discussion with its members to inform the LGA’s consultation response and its ongoing work with government and partners on children’s social care reform.

1.5. The strategy has been structured under six “pillars”. This briefing follows the same structure, and also draws out the specific policy and financial commitments to view at a glance.

1.6. The strategy includes detail on how far the DfE believes we are currently from its vision, and work that has already been carried out to support its vision, as well as examples of existing good practice. These sections are not included in this briefing, which looks only at future commitments and direction of travel.

### 2. Overarching LGA View

2.1. Keeping children safe is one of the most important roles a council fulfils. While England remains one of the safest places in the world to grow up thanks to the tireless work of our children’s services colleagues and their partners, we agree that significant reform is needed to ensure the right systems are in place to not only protect children, but to help them and their families to thrive.

- 2.2. There is much to welcome in the Government's children's social care reform strategy. A focus on earlier help, support that builds on the strengths within a child's wider family network, and greater ambition for our children in care and care leavers are all areas where we can make an enormous difference.
- 2.3. We are also pleased to see the consultation on children's social work agencies. While there is a place for agency social work, too often we see a high churn of agency workers leading to poorer outcomes for children, while high costs mean cutting services elsewhere.
- 2.4. We believe that some of the proposed reforms, such as Regional Care Cooperatives, need a far stronger evidence base and are pleased that the Department is taking a cautious approach to these. Untested reforms could have unintended consequences for children and their families, so a test and learn approach is appropriate. We also welcome the Government's commitment to co-designing these reforms.
- 2.5. We would have liked to see more focus on some of those issues that lead to more children and families needing support from children's social care, including financial deprivation and access to children's mental health support. We agree with the assertion of the Care Review that without addressing issues such as these that are outside the remit of children's social care, "reforms to children's social care risk treating the symptoms and not the cause".
- 2.6. Pathfinder and pilot areas will need significant support to ensure that they are able to both co-design and implement reforms, and continue delivering high quality support to children and families while those changes are taking place. This will include support for the workforce, much of which is already under enormous pressure and will be expected to implement new ways of working at the same time as working with vulnerable families. [Research for the LGA](#) by the Isos Partnership on structural change in children's social care offers some vital learning to support this process, including the importance of political buy in, leadership and vision, communication, co-production and culture. Practical support such as dedicated funding and IT and management information systems that align across partnerships are also key.
- 2.7. The strategy commits £200 million in additional funding to support children's social care. Any additional investment is of course welcome and will be vital to implement reforms. However, LGA analysis prior to high levels of inflation indicates an existing shortfall of £1.6 billion per year simply to maintain current service levels. The Care Review recommended an additional investment of at least £2.6 billion over four years, prior to the impact of inflation, to improve the system to better meet children's needs. And despite increasing their budgets by £708 million in 2020/21, councils still overspent their budgets by £800 million that year, indicating the scale of pressure on the system.
- 2.8. Furthermore, much of the additional funding committed in this strategy will go to pathfinder and pilot areas, with very little being allocated elsewhere. This means that children living in the vast majority of the country will not benefit from the additional funding that is desperately needed.
- 2.9. While it is positive there is now have a clear direction of travel following last year's reviews, the strategy points to a range of consultations over the coming year and a period of pathfinder and pilot activity. This is important for medium to long-term change, but the children's social care system is in crisis now and most of the changes signalled in this strategy will not deliver results quickly. Inflation and pressures on council budgets will only compound the difficulties facing services, while the impact of the pandemic and the cost-of-living crisis is increasing children's need for support every day.

- 2.10. If the Department truly accepts the challenge posed by each of the three major reports this strategy builds on, it must also accept that the challenge exists everywhere and there is an urgent need for immediate action. We already have a significant amount of evidence about what works, including that developed through the Department's own innovation programme. Additional funding for all councils, not just those in pathfinder areas, can be wisely invested in stabilising the current system to ensure strong foundations on which to build future reform.

### 3. Policy commitments

- 3.1. A review into how legislation for children with disabilities could be simplified and streamlined so that entitlements, referral routes and processes are clearer.
- 3.2. A Families First for Children Pathfinder programme to implement family help, child protection and family networks reforms. Work will start with early adopters in Spring 2023. The first wave of Pathfinders will launch in three areas in September 2023, with up to nine more local areas in the second year.
- 3.3. A consultation in Spring 2023 on enabling a broader range of practitioners to be case-holders for children in need and their families.
- 3.4. A workforce survey of family support workers launching in Autumn 2023, leading to a Knowledge and Skills Statement for Family Help workers by Summer 2024.
- 3.5. A consultation on Working Together to Safeguard Children will launch in Spring 2023, including consideration of support for children with a disability; reforms to multi-agency working.
- 3.6. A consultation in Autumn 2023 on whether and how to make education a fourth statutory safeguarding partner.
- 3.7. Updated guidance on information sharing will be consulted on in Spring 2023, alongside the Working Together consultation.
- 3.8. A new child protection pathway is being piloted addressing cases where the primary risk is outside the home. Learning will inform updates to Working Together in 2024.
- 3.9. Family Network Support Packages to enable more children to remain with family networks rather than going into care will be trialled through the Families First for Children Pathfinders as well as an additional seven dedicated Pathfinders.
- 3.10. A national kinship care strategy will be published by the end of 2023 setting out comprehensive plans to better support children and carers.
- 3.11. Six 'missions' will be used to track progress on improving outcomes for children in care and care leavers, focussing on relationships; homes for children in care; corporate parenting; education, employment and training; housing for care leavers; and health.
- 3.12. A new, opt-out model of independent advocacy will be developed and consulted on in Autumn 2023 (this will not replace the role of Independent Reviewing Officers or Regulation 44 visitors)
- 3.13. All standards of care, regulations and associated legislation will be reviewed, with a consultation on changes to standards of care and regulations to be launched in Autumn 2023.



- 3.14. A financial oversight regime will be developed for independent fostering agencies and children’s homes providers to increase transparency and prevent sudden market exit.
- 3.15. The Government will work with local authorities to co-design and co-create Regional Care Cooperatives in two areas with a view to rolling out after testing and evaluating the best approach in conjunction with the sector.
- 3.16. A consultation in Autumn 2023 will look at improving and strengthening corporate parenting principles, which will be extended to a wider set of relevant bodies.
- 3.17. A “gold-standard” accreditation scheme for higher and further education institutions will be developed which will drive take-up and retain students, including expectations around support for transitions, bursaries, accommodation and pastoral support.
- 3.18. 3,500 new, well-paid jobs for care leavers will be created by 2027 through the Care Leaver Covenant
- 3.19. Legislation will be brought forward to make Staying Close a national entitlement, and for both Staying Put and Staying Close to support young people up to age 23.
- 3.20. Legislation will also be brought forward to remove the local connection requirement for care leavers seeking access to social housing. Statutory guidance will be strengthened to remove the use of intentional homelessness for care leavers under 25.
- 3.21. Existing joint DfE/DHSC guidance on “promoting the health and wellbeing of looked-after children” will be updated and extended to cover care leavers up to age 25.
- 3.22. An “Early Career Framework” (ECF) will replace the current Assessed and Supported Year in Employment (ASYE) for child and family social workers, with two initial years of development followed by three years of “expert practitioner” level development. It will be based on a framework developed with an expert group and will be consulted on with the sector in Autumn 2023.
- 3.23. A National Workload Action Group will be established in early 2023 to identify and address unnecessary workload drivers that do not lead to improvements in outcomes for children and families.
- 3.24. A consultation has been published alongside the strategy on national rules to address high usage of agency social workers.
- 3.25. A consultation has also been published alongside the strategy on a new Children’s Social Care National Framework and Dashboard.
- 3.26. A data strategy will be published by the end of 2023 to set out the long-term plan for transforming data in children’s social care.
- 3.27. DfE will test the impact of a Regional Improvement Commissioner to provide additional challenge and oversight of regional performance, starting with one pilot area.
- 3.28. Before the next Spending Review period, the DfE will update, publish and consult on a new formula for children and young people’s services funding.

## 4. Financial commitments

- 4.1. £45 million to deliver the Families First for Children Pathfinder programme.

- 4.2. Unspecified funding to deliver reforms to multi-agency working.
- 4.3. £9 million in a training and support offer for all kinship carers by the end of this Parliament.
- 4.4. £30 million to increase the number of local authorities with family finding, befriending and mentoring programmes.
- 4.5. £27 million will be invested from 2023 in a foster carer recruitment and retention programme, both to boost capacity and build an evidence base on how to effectively recruit and retain foster carers.
- 4.6. Unspecified set-up funding and capital investment for councils to come together regionally and innovate on how to implement the vision for RCCs.
- 4.7. The apprenticeship care leavers' bursary will increase from £1,000 to £3,000 from August 2023.
- 4.8. The leaving care allowance will be raised to £3,000.
- 4.9. Post-16 Pupil Premium Plus style funding will be extended with a further £24 million of funding between 2023-2025.
- 4.10. Funding for the Care Leaver Covenant will increase by 30 per cent in each of the next two years.

## 5. Introduction to the strategy

- 5.1. The Government commits to resetting children's social care to ensure that love and stable relationships are at the heart of what children's social care does.
- 5.2. The chapter recognises the challenges faced by disabled children and their families in accessing the right support and outlines commitments within the strategy to improve quality of care and access to support. This includes reducing barriers to asking for help and a Law Commission review focussed on simplifying legislation. A joint children's social care and SEND roundtable on disability will be held in early 2023 to look at how to make commitments a reality.
- 5.3. Improvements to support for teenagers are highlighted, recognising that teenagers are the largest growing age group in child protection and care. This includes a child protection pathway for risk outside the home and an extension of post-16 Pupil Premium Plus style funding for children in care and care leavers.
- 5.4. In relation to racial disparities in children's social care, action to reduce these includes bringing family help closer to communities and introducing new corporate parenting commitments.
- 5.5. With regard to the wider context, the strategy lists a range of wider government reforms including the NHS 10-year plan and the Domestic Abuse Act that will support safeguarding and promote the welfare of children.

## 7. Pillar 1: Family Help provides the right support at the right time so that children can thrive with their families

- 7.1. This chapter outlines the Government's vision for a non-stigmatising, welcoming family help service based in local communities that ensures that every child and family who needs it will have access to high-quality help no matter where they live. This will form part of wider support provided by universal, community and specialist services and will work with health visitors, schools, adult mental health teams and family hubs.
- 7.2. Family Help, in this vision, removes the distinction between targeted early help and child in need to reduce multiple referrals and assessments as family situations change. The intention is to use a skilled, multi-disciplinary workforce so that the needs of children and families can be met in one place. It will be driven by local and national join up of policies and funding.
- 7.3. Family Help workers will prioritise seeking out family and friend networks to support parents and children, offering family group decision-making as standard practice in the early stages of working with a family and using resources creatively to overcome financial barriers to supporting children at home. It would continue if there were child protection concerns, working alongside an expert-led multi-agency response.
- 7.4. The strategy proposes testing the operationalisation of the Family Help vision through up to 12 Families First for Children Pathfinder areas, supported by £45 million of investment. These pathfinders will also test reforms to child protection and family networks, to identify how the reforms work together and how they work in areas with different characteristics. Local areas will receive support and funding to deliver the reforms, which will be co-designed by working with children and families, the council, schools, police, health and other partners.
- 7.5. The strategy also commits to working across government to simplify funding, streamline reporting requirements and evaluating the impact of this. Pathfinder areas will be used to test the alignment of Supporting Families and Reducing Parental Conflict Programme funding. DfE will also work closely with DLUHC on the Supporting Families Programme and include a focus on Family Help as part of the Child Protection Ministerial Group to ensure cross-government oversight and accountability for local support systems.
- 7.6. To help build a skilled and effective workforce, the Government will consult on enabling a broader range of practitioners to be "case-holders" for children in need and their families. This will enable, for example, a family support worker or domestic abuse practitioner to case hold if that best meets the needs of the child(ren) and their family.
- 7.7. By Summer 2024, a Knowledge and Skills Statement for Family Help Workers will be published to set out a common framework of skills and to demonstrate value and confidence in Family Help workers. This will be informed by a workforce survey of current family support workers, launching in Autumn 2023, which will also help to improve understanding of the current workforce.
- 7.8. The DfE commits to working with Ofsted and other inspectorates to ensure inspection sets a focus on families receiving high-quality, evidenced-based help, and that the voice of children and families is central to the inspection of monitoring of family help services.
- 7.9. A consultation on Working Together to Safeguard Children will take place in Spring 2023. This will include consideration of how to include a stronger focus on support for children with a disability.

- 7.10. Pathfinder areas will help to demonstrate how different ways of working can build culturally competent practice, while all research commissioned by DfE on family support will include a specific focus on the experience of children and families from ethnic minority backgrounds.
- 7.11. The strategy notes that social workers should be better able to respond to the needs of families facing material deprivation, and states that the DfE will work with the Department for Work and Pensions to improve social workers' ability to use local welfare support for families. The Children's Social Care National Framework will also look at poverty aware practice.

## LGA VIEW

- 7.12. We welcome the commitment to ensuring that children, young people and families can access high-quality help when they need it, in their communities. This is key to enabling children to thrive, as well as to ensuring that as far as possible, problems in families' lives can be dealt with early and well before they reach crisis point.
- 7.13. It is positive that the intention is to pilot new approaches to supporting families. While we recognise the need for reform to ensure the children's social care system can effectively meet the needs of children and families now and in the future, we must also recognise that there is much good practice already taking place which new ways of working can learn from and build upon. We will do children and families, as well as those working in the system, a disservice if we fail to build on what is already working and instead introduce untested reforms that may not deliver as hoped, or for which there may be unintended consequences.
- 7.14. Pathfinders will need to take place in a range of areas, with a range of characteristics. Reassurance that reforms will work for all children and families, regardless of their backgrounds or characteristics, will only come from careful testing across a range of circumstances. They will also need to take into account the different stages that different councils are in with regard to other reforms, such as some areas being part of the ongoing family hub pilots.
- 7.15. Furthermore, this new vision draws in the workforce from a range of areas, some of whom have already been coping with significant change in how they work including as a result of the pandemic and as new ways of working have come in such as through family hubs in some areas. There is already a significant challenge in recruiting and retaining staff across much of the public sector workforce (for example, we [recently called for an ambitious plan](#) to increase the number of health visitors following a 40 per cent fall in numbers since 2015) so key to the success of reforms will be appropriately supporting staff through this change and co-creating the new model.
- 7.16. We have considerable concerns about the funding arrangements for this approach. The Care Review was clear that more investment would be needed to improve early help across the country, and the Government's response agrees with this. However, the implementation strategy indicates that a significant amount of the new funding will be focussed on pathfinder areas. If the Government truly recognises the scale of the challenge facing children's services in England, for which the Care Review laid out significant evidence, it must also acknowledge that every council needs additional financial support to start rebuilding child and family support services to meet need. Children in non-pathfinder areas should not be made to wait.
- 7.17. We welcome the commitment to simplify funding streams across government, and hope that this will go beyond the two funds identified. Councils consistently report the challenge of being asked to bid for multiple funding opportunities, which takes time and money and can result in short-term approaches, rather than being funded to deliver the services children need.

- 7.18. We welcome work to ensure a stronger focus on supporting children with disabilities through the Working Together consultation and the Law Commission review of legislation. This will be a helpful starting point in ensuring that children receive the support they need and we hope it will be a starting point for further changes, working with schools and the NHS. It will be important to link this work with ongoing reforms to provision for children with SEND as set out in the SEND Green Paper.
- 7.19. The strategy is right to highlight the challenges in supporting families facing material deprivation, however it is disappointingly quiet on the impact of poverty on children and families and how we can prevent families reaching financial crisis earlier. Given the clear evidence on the link between deprivation and contact with children's social care, addressing this is vital if we are to prevent more families requiring support in the first place. This is becoming ever more important with evidence showing that less well-off families with children are being more significantly impacted by cost-of-living pressures. There is a range of ways in which we can strengthen the financial safety net more broadly, including:
- 7.19.1. Ensuring that the mainstream benefits system (rather than emergency local welfare support) provides the principal form of support for low-income households, including work to increase the supply of affordable social and private rental properties
  - 7.19.2. Putting the Household Support Fund on a permanent footing to allow councils to put in place effective support and referral pathways
  - 7.19.3. Enabling councils to use limited resources, including the Household Support Fund, to strengthen financial resilience where possible
  - 7.19.4. Developing a cross-government approach to addressing the cost-of-living crisis, mirroring approaches taken in councils and the LGA, to consider the variety of ways in which services can support children and families including through housing, health and education.

## 9. Pillar 2: A decisive multi-agency child protection system

- 9.1. The strategy proposes introducing a new Child Protection Lead Practitioner role. This role would value specific skills, knowledge and experience needed to work with children and families where there is actual or likely significant harm, and would co-work with Family Help teams to maintain existing relationships.
- 9.2. The strategy also agrees with the proposal from the Child Safeguarding Practice Review Panel that there should be integrated, co-located multi-agency teams with responsibility for child protection, staffed by experienced child protection practitioners from police, health and councils. These teams and the Child Protection Lead Practitioner role will be trialled through the Families First for Children Pathfinder.
- 9.3. A report will be delivered to Parliament by Summer 2023 setting out ways to improve information sharing between safeguarding partners and will contain recommendations for potential technical and non-technical solutions. It will include an exploration of the use of a consistent child identifier so that information about children can be easily linked and shared across organisations.
- 9.4. Updated guidance on information sharing will be consulted on in Spring 2023, alongside the Working Together consultation.
- 9.5. Support for parents and wider family members to better engage with child protection processes, including through wider use of family group decision-making, is emphasised as an important part of giving families the best chance to make changes while minimising the risk to the child.
- 9.6. The consultation seeks views on how to improve how parents engage with child protection, including any examples of good practice locally.
- 9.7. A tailored approach to harm outside the home will be introduced. To support this, four councils have been funded to test a Risk Outside the Home Pathway based on a child protection planning and conference model developed by Wiltshire Council. This prioritises developing expertise and reducing caseloads for practitioners, stronger multi-agency working and working with families as partners. Durham University will publish a peer reviewed paper on the pilot findings in Summer 2023, leading to changes to child protection processes in Working Together 2024.
- 9.8. The Youth Endowment Fund will test specialist multi-disciplinary teams embedded in neighbourhoods to support children who are at risk of experiencing violence or criminal exploitation from outside the home. Learning from these pilots will inform the development of the Families First for Children Pathfinders.
- 9.9. Work is already underway to enable better integration across youth justice and childrens social care assessments to ensure the needs of children are addressed as part of a coordinated multi-agency response.
- 9.10. Multi-agency safeguarding arrangements will be strengthened through clearer roles and accountabilities for safeguarding partners, increased transparency and accountability, greater support and learning, and a greater role for education settings in local multi-agency leadership. The Spring 2023 consultation on updates to Working Together will consider how to improve multi-agency working to safeguard and protect children. This will include consultation on:

- 9.10.1. Minimum expectations of partners and the functions they deliver at a strategic level.
  - 9.10.2. The introduction of a separate operational group to enable safeguarding partners to focus on strategic issues rather than day-to-day delivery concerns. This group will be made up of individuals senior enough to ensure that strategic priorities become a reality on the ground.
  - 9.10.3. The introduction of a nominated operational chair to have operational oversight of safeguarding arrangements and to provide a clear line of sight for strategic leaders. This is likely to be the Director of Children's Services but should be agreed by all safeguarding partners.
  - 9.10.4. Increased transparency for partners including the publication of strategic plans and annual reports.
  - 9.10.5. New National Multi-Agency Child Protection Standards, setting the principles for how partners work effectively and consistently together to identify and protect children and young people.
  - 9.10.6. How to strengthen the role of education settings in multi-agency arrangements at both strategic and operational level.
- 9.11. Funding will be provided to help safeguarding partners implement and embed the new reforms after the 2023 update to Working Together. This funding will be expedited for Pathfinder areas.
  - 9.12. There will be a consultation in Autumn 2023 on whether and how to make education a fourth safeguarding partner.
  - 9.13. The National Panel will develop a support offer to maximise the impact of learning from safeguarding reviews. A pilot will be co-produced with a small number of safeguarding partners and begin in Spring 2023, evaluating the quality, consistency and impact of the review process.
  - 9.14. Changes to the family justice system are also proposed, including more accessible and transparent data, better support for parental engagement during proceedings and timely decision making, returning to the 26-week statutory requirement for public law proceedings.
  - 9.15. All councils will be given the opportunity to access and embed the use of a financial modelling tool to better understand the financial impact of court delays to identify where efficiencies can be made.
  - 9.16. One local authority partner will be funded to undertake a research project on family justice data, making recommendations on how to unblock the biggest challenges currently facing local authorities in collecting and reporting data on pre-proceedings practice. These recommendations will inform a national data collection exercise on pre-proceedings to improve understanding of local differences in practice and to develop evidence informed policy.
  - 9.17. The Care Proceedings Reform Group, a subgroup of the Public Law Working Group, will take forward the care review's recommendation on greater application of problem-solving approaches in the family courts, drawing on the good evidence from Family Drug and Alcohol Courts. The Care Proceedings Reform Group will provide recommendations to government by 2024.

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- 9.18. While we welcome recognition of the highly skilled work of those working in child protection and agree that ensuring social workers have the right skills and knowledge to effectively carry out their roles, we are concerned about proposals to introduce a Child Protection Lead Practitioner role. Children's social work operates on a spectrum from early help through to child protection, and children and families may move along that spectrum throughout their time working with children's social care. It is vital that all social workers are able to spot the signs of a child being at significant risk and not just those in specialist child protection roles. We also question whether we will have sufficient social workers to be able to operate in this model, and how many social workers will want to work in a solely child protection role if this is separated from family help. It is positive therefore that these proposals are being piloted first to identify whether and how they can improve children's safety.
- 9.19. We look forward to seeing proposals to improve information sharing within and between organisations and to supporting government to implement changes. This is an issue that too often features in Serious Case Reviews and action is needed to finally overcome the persistent challenges to improvement, including ensuring that information teams have the capacity and skills to make best use of data. Government support and a strong focus across agencies will be needed to deliver on these recommendations.
- 9.20. Improving accountability and transparency of multi-agency safeguarding arrangements will be helpful and we look forward to seeing more details in the forthcoming consultation. Keeping children safe must be a top priority for all partners locally and action to ensure all partners are clear on their roles in this is welcome.
- 9.21. We look forward to the results of the pilots testing new ways of protecting children where the risk is outside the home. We agree with the Care Review that this is an area where practice could improve and where new approaches could significantly improve outcomes for children and young people. If results of the pilots are positive, we urge the Government to move quickly to identify how best to roll this out more widely, including consideration around developing expertise and identifying resources.
- 9.22. While we welcome steps to ensure better integration across youth justice and children's social care, the Care Review went further than this strategy in terms of supporting children and young people in secure custody. There is [significant evidence](#) that children in Young Offender Institutions and Secure Training Centres have poorer outcomes than their peers and are often at risk of violence and self-harm, while there are significant issues around over-representation particularly for children from a Gypsy, Roma and Traveller or Black and ethnic minority background. We would like to see far more alignment and joint working across the Ministry of Justice and the Department for Education to improve outcomes for children in youth custody, and there must be more urgency applied to tackling this long-term issue. Our [joint paper](#) with ADCS and the Association of YOT Managers, A Youth Justice System that Works for Children, outlines our position on this issue further.
- 9.23. Greater application of problem-solving approaches in the family courts, learning from the positive work of Family Drug and Alcohol Courts, is welcome. The Care Review also recommended developing learning and feedback loops for the judiciary, so that the impact of decision-making is better understood. We believe this would help to improve the quality and consistency of decision-making and would like to see this taken forward.



## 11. Pillar 3: Unlocking the potential of family networks

- 11.1. The strategy is clear that a child's right to family life should be prioritised wherever possible. Families should be actively involved from the point a child gets a social worker, and where children cannot remain with their parents, wider family and friends should be looked to for support. Reforms will aim to create a culture of "family first" that prioritises family-led solutions.
- 11.2. The DfE will test how best to implement family group decision-making and Family Network Support Packages. This will include consideration of how to ensure children are safe in kinship care while minimising state intervention in family life, and looking at how to use council funding more flexibly to provide practical support for families who need it where children would otherwise be in care. These will be tested through the Families First for Children Pathfinders, but also in an additional seven Pathfinder areas which will focus only on Family Network Support Packages in order to evaluate the impact of these and build understanding of the costs and savings associated with them.
- 11.3. Work will be undertaken with Ofsted to improve the visibility of kinship care in inspection reports, including updated guidance and training for inspectors.
- 11.4. There will be investment of £9 million in a training and support offer for all kinship carers (including informal carers), which will be co-created with kinship carers to ensure it meets their needs. The DfE will also explore the case for mandating a financial allowance for all those with Special Guardianships Orders (SGOs) and Child Arrangement Orders (CAOs).
- 11.5. All councils will be encouraged to review their existing policies for kinship carers to do more to support wider family networks to care for children when they cannot remain at home, including consideration of financial support for SGOs and CAOs.
- 11.6. A national kinship care strategy will be published by the end of 2023 setting out the government's position on kinship care and comprehensive plans to better support children and carers. This will include issues around financial allowances, workplace entitlements, educational entitlements, training and improving local authority practice. Relevant statutory guidance will be updated at the same time.
- 11.7. The strategy proposes a definition of kinship care for consultation, recognising that the lack of a consistent definition can make it difficult for adults and children to know what they are entitled to.

### **LGA VIEW**

- 11.8. We strongly welcome improved support for kinship carers, and work to enable more children to live within their family networks even where they cannot live with their birth parents. Recent increases in the number of friends and family foster carers indicates an increased focus on supporting children to stay with those close to them, and enabling this to happen without bringing children into care where it is not necessary for the child's safety and wellbeing will be a positive step.
- 11.9. We welcome also investment in training and support for all kinship carers, and hope that the lessons learnt from piloting Family Network Support Packages will be swiftly shared, along with necessary funding to implement changes, so that children and carers across the country can benefit as soon as possible.
- 11.10. It will be important for the national kinship strategy to also recognise the role of partners in supporting kinship arrangements. This includes mental health support for both children and

adults who may have experienced significant trauma prior to and during the set up of kinship arrangements, and support from the prison and probation service where carers are providing homes to children where parents are in custody or have been recently released.

## 13. Pillar 4: Putting love, relationships and a stable home at the heart of being a child in care

- 13.1. The Government's vision is that where children need to come into care, we provide them with stable, loving homes close to their communities. Children's loving and safe relationships with both their families and care givers will be prioritised, and they will be listened to and have their needs advocated for.
- 13.2. The strategy states that a family-based home is best for most children to live in. Where children need specialist residential or therapeutic care, this should be provided as close to their home as possible.
- 13.3. To achieve this, the Government aims to transform the way we provide homes for children in care and care leavers, and to be far more ambitious for these children. Progress will be measured across six missions, which are detailed in the rest of this section.
- 13.4. **Mission 1: By 2027, every care-experienced child and young person will feel they have strong, loving relationships in place.**
- 13.4.1. This will in part be achieved by ensuring more children in care are able to live close to their friends and family.
- 13.4.2. £30 million will be invested in family finding, befriending and mentoring programmes including Lifelong Links.
- 13.4.3. Ofsted's new care leaver judgement in the ILACS inspection framework will reinforce the importance of loving relationships.
- 13.4.4. The accessibility and take-up of the Independent Visitors offer will be increased.
- 13.4.5. An opt-out model of independent advocacy will be developed and consulted on in Autumn 2023. This will not replace Independent Reviewing Officers (IROs) or Regulation 44 (Reg 44) visitors.
- 13.4.6. The effectiveness of the IRO and Reg 44 visitor roles will be reviewed as part of a wider review on standards of care.
- 13.4.7. The demand for a new lifelong guardianship order and its purpose is being consulted on.
- 13.5. **Mission 2: By 2027, we will see an increase of high-quality, stable and loving homes available for every child in care, local to where they are from.**
- 13.5.1. £3 million will be invested in a fostering recruitment and retention programme in the North East Regional Improvement and Innovation Alliance. This will introduce a regional support hub which will support prospective foster carers, facilitate targeted communications and improve retention with the Mockingbird model. This will create end-to-end improvements in fostering recruitment and retention and be used to gather insight ahead of further programmes.
- 13.5.2. £24 million will be invested to boost fostering capacity and build an evidence base on how to effectively recruit and retain foster carers. This will include recruiting foster carers where there are particular shortages, for example those who are able to support sibling groups, unaccompanied asylum-seeking children or parent and child foster homes.
- 13.5.3. The National Minimum Allowance (NMA) for foster carers will be increased by 12.43 per cent.

- 13.5.4. Clarity will be provided on the national policy position around planning permission for new children's homes.
- 13.5.5. A children's homes workforce census will be undertaken in 2023 and 2024, along with in-depth case studies on recruitment and retention, and qualifications and training.
- 13.5.6. A programme will be developed to support improvements in the quality of leadership and management in the children's homes sector, including exploration of proposals for professional registration of the residential childcare workforce and a new leadership programme for new managers.
- 13.5.7. All existing legislation and regulation related to the provision of homes for children in care will be reviewed and a common set of standards for all form of care will be developed. A consultation on changes to standards of care and regulations will be launched in Autumn 2023 with a view to updating legislation subject to parliamentary time.
- 13.5.8. Work will be undertaken with Ofsted to strengthen its inspection and regulatory powers to hold private, voluntary and charity providers to account.
- 13.5.9. A financial oversight regime will be developed for independent fostering agencies and children's homes providers to increase transparency and prevent sudden market exit. In advance of legislation being brought forward, a voluntary regime will be introduced in the immediate term.
- 13.5.10. The Government will seek to bring greater transparency around ownership, debt structures and profit making across independent providers.
- 13.5.11. National support with forecasting, procurement and market shaping will be delivered to local authorities, along with the publication of data by government to support forecasting.
- 13.5.12. The Government will work with local authorities to co-design and co-create Regional Care Cooperatives in two areas with a view to rolling out after testing and evaluating the best approach in conjunction with the sector. It will also work with partners across health, justice and the third sector to support the co-design of RCCs to support lasting change. Set up funding and capital investment will provided for councils to come together regionally and innovate on how to implement the vision (which is set out on page 104 of the strategy).

**13.6. Mission 3: By 2027, we will strengthen and extend corporate parenting responsibilities towards children in care and care leavers across the public sector.**

- 13.6.1. A consultation in Autumn 2023 will look at improving and strengthening corporate parenting principles, which will be extended to a wider set of relevant bodies.
- 13.6.2. Education outcomes data is being linked with health and housing data for care leavers to better understand care leavers' long-term outcomes.

**13.7. Mission 4: By 2027, we will see an improvement in education, employment and training outcomes of children in care and care leavers.**

- 13.7.1. Stability in a child's education will become a key feature in decision-making for children in care, alongside maintaining loving relationships.
- 13.7.2. Pupil Premium Plus will be spent on well-evidenced interventions clearly linked to robust Personal Education Plans, with clear pathways to education and employment on leaving care.

- 13.7.3. The Broadening Education Pathways programme will be expanded to support children in care into independent schools, including outreach activities.
- 13.7.4. There will be a consultation on plans to expand the Virtual School Head role to include children in care and care leavers up to 25.
- 13.7.5. Post-16 Pupil Premium Plus style funding will be extended with a further £24 million of funding between 2023-2025 to address the cliff edge in educational support that children in care and care leavers face in 16-19-year-old education.
- 13.7.6. The gap in care leaver higher education participation rates compared to the general population will narrow year on year from 2027 with a view to being minimal by 2030. A “gold-standard” accreditation scheme for higher and further education institutions will be developed which will drive take-up and retain students, including expectations around support for transitions, bursaries, accommodation and pastoral support.
- 13.7.7. 3,500 new, well-paid jobs for care leavers will be created by 2027 through the Care Leaver Covenant, which will have its budget increased by 30 per cent in each of the next two years.
- 13.7.8. The number of care leavers completing apprenticeships by 2027 will double. The apprenticeship care leavers’ bursary will increase from £1,000 to £3,000 from August 2023, and more employers and training providers will be made aware of this and the £1,000 additional funding they can claim to support care leaver apprenticeships.
- 13.7.9. The DfE will also host an employment summit in Spring 2023 to promote examples in the public, private and voluntary sectors on how best to support care leavers into employment, and to share learning from the care leaver social impact bonds that DfE funded.

**13.8. Mission 5: By 2027, we will see an increase in the number of care leavers in safe, suitable accommodation and a reduction in care leaver homelessness.**

- 13.8.1. The leaving care allowance will be raised from £2,000 to £3,000 from April 2023.
- 13.8.2. Legislation will be brought forward to make Staying Close a national entitlement. The Department will explore extending both Staying Put and Staying Close to support young people up to age 23.
- 13.8.3. Legislation will be brought forward to remove the local connection requirement for care leavers seeking access to social housing. Statutory guidance will be strengthened to remove the use of intentional homelessness for care leavers under 25. Rent guarantor schemes will be encouraged.
- 13.8.4. Provision of supported lodgings will be increased.

**13.9. Mission 6: We will work closely with health partners to reduce the disparities in long-term mental and physical outcomes and improve wellbeing for care-experienced people.**

- 13.9.1. Existing joint DfE/DHSC guidance on “promoting the health and wellbeing of looked-after children” will be updated and extended to cover care leavers up to age 25.
- 13.9.2. Work is taking place with NHS England and DHSC to ensure all Integrated Care Boards, Integrated Care Partnerships, Health and Wellbeing Boards and councils better support the planning and commissioning of services to meet the needs of

children in care and care leavers. This will include sharing good practice and consideration of whether guidance needs to be strengthened.

13.9.3. The consultation on Working Together in Spring 2023 will consult on extending the mandatory reporting of deaths or serious incidents involving children, to include the deaths of care leavers.

13.9.4. The Early Career Framework for social workers will ensure understanding of mental health and wellbeing and skills to respond to children and adults with mental health needs.

13.9.5. Work will be undertaken to understand what level of training on mental health is needed by different practitioners, from children's homes workers to Personal Advisers.

## **LGA VIEW**

13.10. We share the Government's vision that all children who need to come into care should have stable, loving homes close to their communities, and that we must be ambitious for these children.

13.11. We are concerned that residential care for children appears to be given a far lower priority in this strategy than foster care. While family settings will be the best option for many children, our members have repeatedly highlighted that for some children in their care, residential children's homes are the best choice, for example for some older children who express that they do not want to live in another family environment to the one they have grown up in. [Research for the LGA](#) highlighted that one of the barriers to developing new children's homes is their perceived role as an "option of last resort". If we are to ensure that we have the right homes for all children who need to come into care, we must ensure that a range of options is available and not introduce additional barriers as an unintended consequence of policy.

13.12. We know that strong relationships for children in care and care leavers can make a significant difference to a child's wellbeing and future outcomes. It is positive that the Government will support councils to invest in programmes that support children to develop these networks.

13.13. We support the Government's decision not to remove the Independent Reviewing Officer and Regulation 44 visitor roles, which can be highly effective. However we know that the effectiveness of these roles is not consistent, and we therefore welcome plans to review this to ensure that those in these roles are able to advocate in a child's best interests.

13.14. The LGA has long called for national support around the recruitment of foster carers, so investment in this is very welcome. Similarly, we welcome plans to support the residential care workforce who have often been undervalued despite the vital care and support they provide children every day.

13.15. Finances should not be a barrier to providing children in care with loving homes and an increase to the National Minimum Allowance will support foster carers to look after children. We will be seeking urgent clarification as to how this increase will be funded.

13.16. We have also called for financial oversight of larger independent providers of children's placements for some time and are pleased to see commitment to this in the strategy. The Government should work closely with the Care Quality Commission and those in the adult social care sector to ensure that lessons are learnt from the equivalent scheme for adult social care providers. We would also like to see consideration given to how this can be linked to considerations around quality of provision and children's experiences, and powers given to Ofsted to enable them to easily identify any patterns across provision by a provider or overarching ownership structure.

- 13.17. National support for forecasting, commissioning and market shaping is welcome. These areas can be challenging for some councils as expertise has been lost in recent years, while other councils have seen success in pooling resources to carry out this work. We are keen to work with the Government to develop this support offer to ensure that it meets councils' needs and builds on existing good practice.
- 13.18. We have previously outlined our concerns regarding the Regional Care Cooperative model, including the importance of ensuring that decision making is taken as close to the child as possible and the value of strong relationships between corporate parents and care providers. We have also seen that in existing examples of strong regional commissioning arrangements, sufficiency challenges remain, while we are concerned about adding an additional layer of bureaucracy to the system. However, we do recognise that regional or sub-regional working is a helpful approach to developing more specialist placements including secure provision, as well as for strategic issues including forecasting and market shaping. It is positive that this approach is being tested prior to a potential roll out, and it will be vital to ensure that the approach delivers significant improvements – and that we understand the drivers for these improvements - prior to any scaling up.
- 13.19. We do not believe that RCCs will be able to address the issue of insufficient placements quickly, particularly for those children with the most complex needs, and therefore call on the Department to work with councils and the NHS to improve sufficiency swiftly rather than waiting for RCCs to deliver results. This is imperative; too many children are not living in the right home for their needs and those children cannot wait for action to be taken.
- 13.20. The strategy is right to emphasise the importance of education for children in care. The commitments are helpful, however this strategy must be considered alongside plans to improve support for children with Special Educational Needs and Disabilities (SEND), and access to children's mental health services. 56.3 per cent of children who had been in care for at least 12 months on 31 March 2022 had SEN, compared to 15.6 per cent of all pupils. Ensuring children in care receive the right SEN support will be key to helping them to achieve in education.
- 13.21. Plans to increase the care leaver bursary are positive. As part of our [Work Local ambition](#) we believe plans around apprenticeships could go further, allowing more flexibility around the use of funds such as enabling local government to work with employers to pool the levy to plan provision across an area; devolving unspent levy and traineeships to local government to design and commission local provision would help address the supply / demand issues and widen participation.
- 13.22. Increasing the leaving care allowance will be a welcome support for care leavers. We will be seeking clarity on how this will be funded.
- 13.23. Proposals around Staying Put and Staying Close are positive and we support the ambition within them. However evidence shows that Staying Put places additional pressure on capacity for children in care and is significantly underfunded, both of which limit councils' ability to ensure it is an option for all children. The Government must review the new burdens funding associated with Staying Put to ensure all children have the option to remain with their foster carers, and to ensure that foster carers feel supported (including financially) to offer this.
- 13.24. We support plans to improve care leavers' access to social housing.
- 13.25. We believe that the strategy could have gone much further in relation to the provision of mental health services for children in care and care leavers. Councils consistently report difficulties that they face in securing appropriate mental health support for children in their care, including for children facing acute mental health crises. Children will not thrive where

they are struggling with mental health challenges, and this is therefore a fundamental issue that we must address. We recognise that this strategy focuses on children's social care services, however all Government departments must take responsibility for supporting the outcomes of children in the care of the state. The Department for Health and Social Care and NHS England must take action to ensure that every child in care with a mental health need – and particularly where this need poses a significant threat to the wellbeing or even life of a child – receives the care and support they need.

- 13.26. Also in relation to mental health, upskilling children's social workers and others working with children to ensure a strong understanding of mental health issues is very helpful, particularly to help support those young people with lower-level mental health and wellbeing needs. However this must not come at the expense of formal mental health support from trained practitioners, for all children and young people being supported across children's social care.



## 15. Pillar 5: A valued, supported and highly-skilled social worker for every child who needs one

- 15.1. The strategy notes the importance of children and families having consistent practitioners and professionals in their lives with whom they can build a relationship. The Government's ambition is to ensure there is an excellent social worker for every child and family who needs one.
- 15.2. The Government also wants to ensure that the social worker workforce represents the communities they serve at all levels.
- 15.3. The strategy identifies that the Care Review did not comment on the sufficiency of the children's social worker workforce, and recognises that action is needed now to attract higher numbers of people to join, re-join and stay in the profession. The strategy outlines a range of challenges impacting on recruitment and retention, including pay, work-life balance, how social workers are supported and valued, and workload issues.
- 15.4. While recognising that agency social workers play an important role in some circumstances, issues are highlighted in relation to escalating pay rates, workforce churn and in some cases, reduced quality of practice as a result of increasingly high agency use.
- 15.5. An "Early Career Framework" (ECF) will replace the current Assessed and Supported Year in Employment (ASYE) for child and family social workers, with two years of consistent, high-quality support and development. In years three to five, the expert practitioner level of the framework will enable social workers to further develop their expertise, creating a cohort of highly trained social workers capable of dealing with the most complex cases and spreading best practice.
- 15.6. The ECF will be based on a framework document setting out the detailed, comprehensive skills and knowledge needed. The framework will be developed with an expert group before consultation with the sector from Autumn 2023 with an ambition to make the ECF an entitlement for all child and family social workers from September 2026. Delivery will be funded by the DfE, and will be designed and tested with a group of early adopter local authorities.
- 15.7. The strategy does not take forward the Care Review's recommendation that every registered social worker should spend 100 hours in direct practice as a condition of their registration. However, Social Work England will work on an approach to asking all social workers how much time they are spending in direct practice and how they are using it to support their professional development.
- 15.8. The strategy commits to exploring ways to support the recruitment of up to an additional 500 child and family social worker apprentices, and to work with DHSC on how student social work bursaries and education support grants can be used, and on making international recruitment more straightforward.
- 15.9. Work will be undertaken with Social Work England on informing and educating people on the role social workers play in society, and promoting it as a rewarding profession.
- 15.10. The DfE will work with local government, Ofsted, Social Work England and others to agree responsibilities around social worker retention. A national virtual hub will be developed in 2023 to 2024 to identify and spread best-evidenced practice in retaining social workers. The social work employer standards health check will also be enhanced to ensure local authority leader understand the experiences of their workforce.

- 15.11. The DfE will lead work on how to improve case management systems to ensure these work effectively for social workers and deliver good value for money. Two groups of councils are also being funded as part of the Data and Digital Solutions Fund to carry out user research into how social workers' data recording is impacting their social work practice. This will be used to develop solutions that reduce the recording burden on social workers and ensure that data recording supports rather than hinders good social work.
- 15.12. A further two councils are being funded to work with software companies in developing a proof of concept for the use of advanced technology to reimagine how they record, retrieve, share and analyse information.
- 15.13. A National Workload Action Group will be established in early 2023 to identify and address unnecessary workload drivers that do not lead to improvements in outcomes for children and families.
- 15.14. The strategy keeps local authority children's social workers on the local authority pay spine, however it states that work will be undertaken with the sector to ensure that current pay rates, job descriptions and grading reflect the challenge of the role and career progression.
- 15.15. A consultation has been published alongside the strategy on action to address the high use of agency. This includes proposals such as:
  - 15.15.1. Clear national rules on how agency workers should be used including acceptable notice periods, references, expected level of post-qualified experience, pay rates and data sharing.
  - 15.15.2. Establishing price rates on the amount councils can pay per hour for an agency worker.
  - 15.15.3. Increasing transparency on agency usage and costs.

## **LGA VIEW**

- 15.16. We are pleased that the Department has listened to councils' significant concerns around the children's social care workforce and is taking immediate action to provide support with this including through the consultation on use of children's social work agencies. It is positive that the Department has engaged closely with councils to understand the issues and develop potential solutions.
- 15.17. It can be difficult for councils to make long term plans for staffing and development when they continually have single year funding settlements. It is therefore crucial that councils have long term funding settlements so that local services have a long-term, sustainable future and can confidently make plans to develop or recruit the workforce they need.
- 15.18. We welcome work to improve case management systems and to identify and address unnecessary workload drivers. We know that children's social workers' time is best spent working directly with children and families as far as possible and ensuring they are able to do so should not only help to improve outcomes for children and their families, but improve job satisfaction, recruitment and retention.
- 15.19. It is also positive that Social Work England will undertake work to educate people on the role of children's social work, and promote this as a positive career. It would also be helpful if the vital work of children's social workers was positively discussed in Parliament and in the media, rather than it only being highlighted when things go wrong.

## 16. Pillar 6: A system that continuously learns and improves, and makes better use of evidence and data

- 16.1. The Government's ambition is to create a "learning cycle" in the system whereby leaders and practitioners at all levels understand what the children's social care system is trying to achieve and understand how things are working.
- 16.2. A Children's Social Care National Framework will, along with a Dashboard and Practice Guides, provide national system direction and a single framework for what children's social care is trying to achieve and how it should approach practice. A draft Framework has been developed with a National Practice Group, and is published alongside the strategy for consultation. The final Framework will be published by the end of the year with an implementation period of one year. The updated framework will come alongside updates to Working Together to Safeguard Children so that the sector has a single coherent view of the changes that will be expected of them.
- 16.3. A Dashboard with key metrics will, subject to consultation, be published quarterly, with the intention of allowing councils to see trends quickly and act on these. The frequency and content of the dashboard forms part of the Framework consultation above.
- 16.4. A data strategy will be published by the end of 2023 to set out the long-term plan for transforming data in children's social care, ensuring the right data is collected and used well. As part of the plan, DfE will ensure the children's social care metrics reported through the Office for Local Government (Oflog) are aligned with the Dashboard to reduce duplication and set a consistent direction on outcomes.
- 16.5. A children's social care data and digital expert forum will be established to ensure work on data and digital has maximum impact.
- 16.6. Practice guides will support leaders and practitioners in embedding the Children's Social Care National Framework, distilling the best available evidence on important practice issues into key ideas and recommendations.
- 16.7. Regular learning events will be established to bring together leaders and practitioners to create a dialogues about how areas are implementing the National Framework, Practice Guides and to reflect on the Dashboard. These will help to disseminate good practice.
- 16.8. A mechanism will be developed to consider system blockers reported through regional infrastructures and other forums.
- 16.9. An interventions policy will be developed that articulates the range of actions the department currently takes to support and intervene in local authority performance. This will provide local authorities with a clear escalation pathway and clarity on how the department works with councils facing improvement challenges (including through regional teams).
- 16.10. The department will work to improve the evidence base around what works to effectively target Requires Improvement rated local authorities and support them to reach Good and Outstanding. Three approaches will be taken:
  - 16.10.1. Systems approach: how to improve deliver of children's social care services whilst working towards financial sustainability.

- 16.10.2. Practice approach: research will be commissioned to better understand how to support persistently Requires Improvement authorities.
- 16.10.3. Regional approach: the DfE will test the impact of a Regional Improvement Commissioner to provide additional challenge and oversight of regional performance, starting with one pilot area.
- 16.11. Before the next Spending Review period, the DfE will update, publish and consult on a new formula for children and young people's services funding. It will work with DLUHC to identify opportunities for implementing the new formula.

## **LGA VIEW**

- 16.12. A National Children's Social Care Framework will help to provide clarity to the sector while providing a clear ambition for all government departments and partners to align themselves with.
- 16.13. We have concerns about the potential for unintended consequences with the introduction of a dashboard, such as prioritising what is measured over what is needed, and focussing on national priority over local need. This will need to be developed with the sector to ensure its value with regard to learning and improvement, while the extent to which it drives improvement will need to be carefully monitored.
- 16.14. The proposed data strategy will be helpful if it aligns work across the major reforms underway or proposed across the children's services remit, including changes to the SEND system and work on the first 1001 days. Data can be of enormous value in driving improvement, but only where we are collecting and using the right data in the right way rather than adding significant data burdens onto councils that do not support improvements in children's lives. It is helpful that the strategy will be developed in discussion with Oflog, and we recommend that sector practitioners are involved in the data and digital expert forum.
- 16.15. Councils have increasingly been raising concerns with us about the lack of clarity in the way in which the Department intervenes with councils where it believes there are challenges with performance. We therefore welcome the development of an interventions policy that articulates the Department's approach to supporting and intervening in council performance. This must compliment any work undertaken with regard to SEND improvement and should not be developed in isolation. It will be helpful to develop this policy alongside the LGA, ADCS and Ofsted, recognising that all have a role to play in council improvement and the value of sector-led improvement in particular. This will also help to avoid duplication in support which may be counter-productive.
- 16.16. We are unclear on the value of a Regional Improvement Commissioner. We are not convinced that these would hold sufficient independence from both the DfE and the council to provide impartial advice, and we are cautious about adding a further layer of oversight into the system which risks complicating the landscape without adding value.

**Meeting:** Children and Young People Board

**Date:** 14 March 2023



## SEND and Alternative Provision improvement plan

### Purpose of report

For direction

### Summary

On the 2<sup>nd</sup> March the Department for Education (DfE) published their response to the SEND Green paper, [SEND and Alternative Provision improvement plan, right support, right place, right time](#). The improvement plan contains a significant number of proposals that seek to improve outcomes for children and young people with Special Educational Needs and Disabilities (SEND) via a reformed SEND and Alternative Provision (AP) system.

Claire Coutinho MP, Minister for Children, Families and Wellbeing, will be attending the Board meeting to discuss the proposals set out in the improvement plan in more detail. Member's comments will inform the LGA's on-going policy work as the reforms set out in the improvement plan are implemented.

### Recommendation

That the Children and Young People Board comment on and agree the LGA's policy position with regards to the proposals set out in the SEND and Alternative Provision improvement plan.

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**Chairman:** Councillor James Jamieson OBE **Chief Executive:** Mark Lloyd CBE **President:** Baroness Grey-Thompson

## SEND and Alternative Provision improvement plan



### Background

1. On the 2<sup>nd</sup> March the Department for Education (DfE) published their response to the SEND Green paper, *SEND and Alternative Provision improvement plan, right support, right place, right time*. The improvement plan contains a significant number of proposals that seek to improve outcomes for children and young people with Special Educational Needs and Disabilities (SEND) via a reformed SEND system.

### SEND and Alternative Provision improvement plan – LGA response

2. In our initial response we welcomed many of the proposals, including the introduction of national standards that will clarify the support available to children and young people with SEND, as well as which partner is responsible for delivering it, as well as the focus on early identification of need and support. We raised concerns however that the improvement plan did not go far enough, with no mention of additional powers for councils to lead local SEND systems and hold health and education partners to account for their work supporting children with SEND.
3. Our response to the proposals set out in the six chapters that make up the improvement plan are as follows:

#### *Chapter 1: Introduction*

4. While we understand the logic of seeking to improve the performance of the existing SEND and AP system in the first instance, we are concerned that this approach will not address the key issue of increasing levels of mainstream inclusion, which is central to improving outcomes and relieving pressure on councils' high needs budgets. The improvement plan acknowledges that implementing reforms will take several years and while the additional funding that has been made available to all councils, as well as targeted financial support via the 'safety valve' and 'Delivering Better Value in SEND' programmes is welcome, these programmes do not address the fundamental cost and demand issues that are driving more councils into deficit and threaten the future financial viability of local government.
5. We support a test and learn approach to implementing the proposals set out in the improvement plan, which acknowledges feedback from consultees that the Department paid insufficient attention to implementing the reforms set out in the 2014 Children and Families Act. Given the scale of the proposed reforms we are concerned that the £70 million in funding for the change programme will be insufficient and ask the Department to keep this amount under review and provide additional funding where necessary to build a strong evidence base.

*Chapter 2: A national system underpinned by National Standards*

6. We understand the need for greater consistency of approach across the SEND system, including through a single, digitised Education, Health and Care Plan (EHCP) and we welcome the clarity that will come with national SEND and AP standards that will set out the support that children and young people should receive, as well as which partner in local SEND systems will be responsible for funding and delivering that support.
7. We are however concerned that too great a focus on the 'national' part of the system could raise expectations amongst children and young people with SEND, as well as their parents and carers, that the same support will be available in every area and delivered in the same way. We look forward to further discussions on the shape of any national standards, which must retain a degree of flexibility to reflect available provision and differing levels of need, while focussing on the things most important to children and young people with SEND and ensuring they achieve good outcomes. National standards should also make the case for reducing or removing support where possible, reflecting the improvement plan's focus on early identification of both help and need.
8. The establishment of local SEND partnerships is welcome and councils, with their democratic mandate, are ideally placed to lead them. For these partnerships to work effectively, councils must have backstop powers to hold partners to account if they fail to work collaboratively or make appropriate contributions to meet the identified needs of children and young people with SEND. Proposals for the development of local inclusion plans should give local areas flexibility to build on existing co-working arrangements and structures.
9. It is unclear how ICBs and schools will be represented on and expected to play their role in local SEND and AP partnerships, with ICBs being on a larger footprint and schools and MATs on smaller ones which in many instances cut across council boundaries.
10. We support the proposal to introduce a standardised, digitised EHCP template, which will help improve consistent and timely access to support for many mobile families. It is important that this is co-produced with councils, parents and providers to ensure it meets the needs of all partners.
11. The LGA wants to work with the DfE, National Network of Parent-Carer Forums and other partners at a national level to develop a set of shared principles that can underpin discussions between individual local areas and parent-carer groups on shaping a tailored list of suitable settings. A transparent and co-produced list of appropriate placements within a local area, as well as those out-of-area for children with more profound needs, will allow for a shared understanding of how needs can best be met and start to build trust in a reformed SEND system. Any such list should take into account the providers' performance, availability and suitability of places to meet local need as well as the value for money offered by the placements. It will be important that the process is promoted widely so that other parents are aware of how decisions were made and understand how they can have a say in the process going forward.

12. The test and learn work undertaken in local areas on the development of a tailored list of suitable settings must identify how children with SEND, their parents/carers, councils and health and education partners will reach a shared decision on how a placement from a tailored list will be decided upon. It should clarify the role of providers in developing the list of suitable placements and how the local market will be managed in this regard.
13. In this chapter the improvement plan also commits the Government to “underpin the standards with legislation for education at the earliest opportunity to facilitate intervention in education settings if standards are not met.” (paragraph 13, page 27). The introduction of these intervention powers will be crucial in impressing on all mainstream settings the need to take an inclusive approach, which will in turn reduce the use of special schools and the independent, non-maintained special schools and relieve pressure on council high needs budgets, as well as improve outcomes for children and young people with SEND. To ensure action is taken quickly where poor practice is identified, these powers should sit with councils, not the Department. It is also vital that the legislation needed to introduce these powers is brought forward at the earliest opportunity.
14. It will be necessary to ensure that the correct accountability mechanisms are in place to hold schools to account for their inclusive practice. We do not believe that any school should be considered to be a ‘good’ school unless it is good for all of the children in the school’s community, including the most vulnerable and those with special educational needs. This must be central to Ofsted’s school inspection framework and practice and the inspectorate must act swiftly where poor practice is identified.
15. We believe that councils, acting on local intelligence and with sufficient, complimentary powers, can support Ofsted in ensuring all schools are quickly held to account to minimise the impact of non-inclusive practice on children and young people. This should include delivering on a proposal in the Schools White Paper to give councils the power to direct all schools to admit pupils without a school place. Currently councils can only use this power in relation to maintained schools and not free schools or academies.

### *Chapter 3: Successful transitions and preparation for adulthood*

16. The improvement plan acknowledges young people with SEND may need additional support to navigate their way through the post-16 education and training offer and flexible approaches to study including part-time or through a modular approach. At the same time, some Level 2 provision (BTEC and apprenticeships) has been removed resulting in a reduction of pathways to further learning. The recent investment in Supported Internships is welcome; however, appropriate Level 2 provision is a vital pathway to progression for many young people into education, employment or training (EET). It also helps those who may be SEND and at risk of becoming NEET (not in education, employment or training). Therefore, young people need a broad offer with alternative choices that are not unduly restricted, with a clear line of sight of what each post 16 route could lead to. Fundamental to this is being able to make informed choices through targeted and independent careers advice and guidance, but the system in and of itself is complicated and inconsistent across the country.



17. The Department's intention to publish guidance to support effective transition is welcome and we believe that councils should be consulted and have the opportunity to play a key role in its co-production. Councils have a wealth of knowledge and expertise which will ensure that it is helpful and fit for purpose.
18. The plan to conduct pilots for evidence to consider the flexibilities needed for the English and mathematics requirements for Apprenticeships is welcome, as this will improve the take up and completions of Apprenticeships by young people, particularly those with SEND or those requiring additional support. Many councils as employers are providers of Apprenticeships, including those with SEND and experiencing disadvantage, and can offer valuable insights to inform the pilots, so engagement would be welcome.
19. Our own analysis (April 2021) found that the employment and skills system, including careers advice and guidance, is complicated. Across England, around [£20 billion is spent on at least 49 nationally contracted or delivered employment and skills related schemes](#) or services managed by nine Whitehall departments and agencies, multiple providers and over different geographies. No single organisation is responsible for coordinating this locally or nationally.
20. The LGA recently launched [Work Local: Unlocking talent to level up](#), our latest employment and skills devolution proposals which build on the Government's Levelling up White Paper. It makes clear recommendations to Whitehall on ways it can improve its approach to employment and skills policy and provision for all places right now, and what is needed for a coherent framework for employment and skills devolution. We also point to [local government's](#) leadership, knowledge and innovation bringing together partners and national schemes to make the best of the current system to improve outcomes for residents, businesses and other employers. But local government can and wants to do far more for its people and places.
21. To enable this, we believe the [LGA's Work Local model](#) should be implemented. It would give democratically elected local leaders the power and funding to work with the full range of national and local partners to join up careers advice and guidance, employment, skills, apprenticeships, business support services and outreach in the community. By enabling this approach, local leaders would be able to design services targeted to local needs while meeting national priorities. Independent [cost benefit analysis reveals a Work Local approach](#) could each year result in a 15 per cent increase in the number of people improving their skills or finding work, delivering benefits to residents, businesses, the health and wellbeing of local communities while reducing costs to the public purse.

#### *Chapter 4: A skilled workforce and excellent leadership*

22. The development of the workforce as set out in the improvement plan is welcome and we agree with the overriding principle that 'the workforce will be crucial to every aspect of system improvement.' Therefore, we think the Department must go further to support schools, educational settings and councils to attract, recruit and retain adequate high-quality candidates into teaching and other relevant specialist professions as long-term career choices. To do this, schools and other educational settings need to be funded and supported to enable employers to reduce workloads

where appropriate, improve staff wellbeing and offer competitive salaries as part of a total employment package.

23. If we are to increase levels of mainstream inclusion then the Department must go further and develop training and support for all teachers and school staff to ensure they can meet the needs of pupils with SEND in mainstream settings, providing additional funding for schools to cover staff when their Continuing Professional Development (CPD) takes them away from the classroom.
24. All staff should be upskilled to support children with additional needs before feeling that they need to refer on to get more specialist support. When this happens, early years education and childcare practitioners also need to be supported by the wider system and have clear referral pathways into services such as speech and language, occupational therapists etc where appropriate.
25. Training and development opportunities need to support the inclusivity agenda and upskill all staff to support children, rather than refer them on to more specialist services. Therefore, we support the proposed introduction of a SENCo National Professional Qualification (NPQ) to replace the existing NASENCo statutory award for SENCos. This reflects the complexity of the system in which SENCos work and will help equip them with the skills needed to lead on the delivery of SEND support within schools. The implementation timetable will need to encourage and allow adequate time for existing staff who do not hold the current qualification to gain the SENCO NPQ, so as not to add to any capacity issues in the sector.
26. We welcome the recognition of the importance of getting it right in the early years to ensure children are enabled to thrive, needs are identified early and staff have the skills and confidence they need to provide support to children. Providing training and support to staff is essential and the proposals setting out a review of the Level 3 early years educator qualification is welcomed, as is a greater focus on specific support for SEND. However, the sector has experienced significant challenges which have been exacerbated by Covid-19, and recruitment and retention of skilled staff remains an ongoing concern.
27. The improvement plan recognises the interconnection between special educational needs, emotional needs and mental health which is welcomed. However, the current proposals do not go far enough in tackling the rising demand of mental health need, nor sufficiently focus on the particular needs of children with special educational needs. In particular, roll out of mental health support teams in schools to all of the country is required as is investment in community mental health support for children who cannot access school-based mental health provision.
28. We are concerned that the improvement plan does not explicitly mention school nursing, health visiting or the Healthy Child Programme. Health visiting and school nurse services are leaders of the Healthy Child Programme, the national evidence based universal programme for children aged 0-19. The programme provides the foundations for health improvement, public health and supporting families to identify problems early and give children the best start in life. The Healthy Child Programme shares many similar workforce concerns to early years; recruitment, retention and capacity.

29. Health visitors provide a vital service in early identification of needs and ensuring children get the best start in life. However, we know that many areas are struggling to recruit Health Visitors, with the number of Health Visitors falling by almost 40% since 2015. Current projections estimate that there is a shortfall of over 5,000 health visitors in England.
30. Councils commission school nurses through their ringfenced public health grant, many of whom are based within SEND settings. School nurses provide enhanced specialist support for children to ensure that children who have complex health problems have their health needs assessed and care needs are planned and delivered in school to a high quality. The number of school nurses has fallen by over a third in the past decade.
31. We are therefore calling for a properly resourced, integrated workforce plan that underpins the current refresh of the Healthy Child Programme. In addition to ensuring we have a sufficient supply of specialist public health nurses, a workforce strategy should recognise the benefits of having a diverse range of health visiting, school nursing, children's centre and other early years staff in children's and health services. We believe this will ensure councils are able to provide a consistent service which leads to better outcomes for children and families.
32. The Healthy Child Programme in councils is funded through the ringfenced public health grant, which has been vastly reduced in real terms since 2015-16. Despite more recent increases in cash terms, the public health grant in 2021/22 was 24 per cent, or £1 billion, lower per head in real terms compared to 2015/16. Councils are still waiting for their Public Health grant allocations for the next financial year (2023-24), A lack of certainty around councils' public health funding is exacerbating existing challenges as demand continues to increase for essential services such as health visiting.

*Chapter 5: Strengthened accountabilities and clear routes of redress*

33. We are concerned with the improvement plan's focus on intervention as the response where poor performance is identified, specifically with the focus on councils who are only one partner in local SEND systems. This top-down approach to accountability does not adequately reflect the complexities of the SEND system or take account of existing issues. As mentioned previously, councils have raised concerns about the time-consuming, bureaucratic process that needs to be completed to access funds for new special schools; in this instance it is clear that councils should not be held accountable where responsibility sits with the DfE. To increase trust in a new SEND system accountability must be proportionate, work both from the top down and bottom up and focuses on what partners have responsibility to deliver.
34. Integrated Care Boards (ICBs) have key responsibilities for meeting the needs of children and young people with SEND, providing adequate and timely funding for community health provision including occupational therapy, physiotherapy and speech and language therapy. It remains to be seen whether the greater powers for the Secretary of State for Health and Social will result in timely and effective intervention in health where performance issues are identified. Further clarification on the form that these powers will take, accompanied by examples of situations where they would be

used, as well as how they will support local accountability between partners locally, will help provide reassurance that health partners will be held to account where they are not making effective contributions to local SEND systems.

35. The improvement plan rightly identifies that existing programmes of improvement support will continue to play a key role in supporting councils to deliver better SEND support, but there is an absence of information on the improvement support that will be made available for health partners, beyond “a more joined up response between Department for Education and NHS regional and national teams” (Paragraph 12, page 75).
36. There is a clear need to undertake work to define what ‘good’ looks like, both within the current and also in transitioning to a new system. A shared understanding of ‘good’ should be reflected in the local and national inclusion dashboards. While these dashboards will provide some information on the performance of national and local SEND systems, they will not on their own signify how well a system is performing.
37. Dashboards should include measures that identify quality measures as well as outcomes for children and young people receiving support from SEND systems. Data should not be used in isolation by the Department when deciding whether to intervene in a local SEND system. Key metrics should be taken from existing data collection measures to minimise any additional burden on councils and their partners. We are concerned that national and local dashboards will be introduced from the autumn of 2023, while many of the other proposals set out in the improvement plan will not be implemented until 2025 at the earliest.
38. We support the proposed strengthening of early redress approaches to ensure disputes can be resolved as soon as possible and which we hope will help the shift to a less adversarial system. The concept of mandatory mediation will need careful consideration to avoid it being seen as an additional hurdle for families. As parental confidence in the system increases, the use of redress mechanisms and the Tribunal should reduce and only become necessary in exceptional cases where disagreements can be resolved via mediation.
39. We support a statutory framework for pupil oversight and transparency of placements into and out of alternative provision. For such a framework to be effective it must be backed by sufficient powers for councils to act swiftly in the interests of children where poor practice is identified.

*Chapter 6: A financially sustainable system delivering improved outcomes*

40. The improvement plan acknowledges that implementing reforms will take several years and while the additional high needs funding that has been made available via the ‘safety valve’ and ‘Delivering Better Value in SEND’ programmes is welcome, these programmes do not address the fundamental cost and demand issues that are driving more councils into deficit and threaten the future financial viability of local government.
41. While the decision taken by the Department for Levelling Up, Housing and Communities to extend the Statutory Override on the treatment of DSG deficits to March 2026 provides some breathing room, we do not believe that councils have the

levers to work with partners “to put themselves in the best position so that when the ‘statutory override’ comes to an end, local authorities are able to demonstrate their ability to deal with remaining DSG deficits” (para 5, page 82). The Department must go further and guarantee financial support to ensure that every council’s Dedicated Schools Grant (DSG) deficit will be eliminated by 2026 when the Statutory Override ends.

42. The LGA supports proposals to deliver greater capacity to address existing supply issues in the SEND system. An additional £2.6 billion over three years for SEND capital is also welcome, as is the flexibility to spend this money on specialist units in mainstream settings, as well as new special schools. Feedback from councils is that the speed at which new special school places can be brought online is too slow. We are keen to work with the Department to identify opportunities to speed this process up. Delivering additional capacity focuses on education and the Department should provide further information on their work with the Department for Health and Social care to secure additional capacity in both health and care, for example the provision of therapeutic and preventative mental health services which remains a huge challenge for children and young people with SEND to access.
43. The LGA has conducted [research looking into the Special Educational Needs Inclusion Fund](#) and believe there are some quick fixes that could be made, so the proposal set out to look at this are welcomed. However, we have long highlighted that early entitlements are underfunded and that the early years sector needs to be properly resourced to support the Government’s ambitions set out in this paper, therefore consideration of a wider review of early years funding is welcomed.
44. To support successful post-16 transitions, sustain education, employment and training for young people with SEND, councils need flexibility of funding to provide the appropriate level of wraparound support.
45. The LGA welcomes the development of banding and price tariffs, evidencing what is available for identified needs and associated cost, including the responsibilities on health to jointly fund and invest in placements for children with complex needs. Requirements for health partners to financially contribute to such placements should be set out in statutory guidance to avoid disputes at a local or individual case level.
46. Councils already make use of ‘banded’ funding arrangements and the Department should build on this work when developing a national framework of funding bands and tariffs. We agree that a national framework will help to improve consistency between areas and reduce the administrative burden on education settings that accept pupils from multiple councils. We also welcome the acknowledgement in the improvement plan that there will need to be a degree of flexibility for councils with the national framework.
47. Any reform of the school and high needs funding formula should both provide long-term certainty on the overall amount if funding being made available, and also address anomalies in the existing system, such as deficits sitting with councils while any budget surpluses sit with schools. Allowing councils access to these surpluses would speed up efforts to manage down their high needs deficits.

48. The concept of the notional SEN budget (the threshold for which has not changed since 2014) has not worked in the existing system. One alternative option would be to replace it with a reformed funding formula that is based on pupil need which includes a clear SEN budget. If the notional budget is to continue, it must be included in bandings, providing transparency as to how schools are funded for this and what they are expected to deliver.
49. We welcome the proposal to re-examine the state's relationship with independent special schools and to ensure that they align with the national standards. The improvement plan rightly highlights the need to define the provision that they offer, as well bringing consistency and transparency to their costs.

### **Implications for Wales**

50. Special Educational Needs and Disability policy is a devolved issue and the findings of the report and the LGA's on-going SEND policy work applies to councils in England only.

### **Financial Implications**

51. There are no financial implications for the LGA arising from this report.

### **Equalities implications**

52. The existing SEND system does not meet the needs of all children and young people with special needs and disabilities. While we believe that the proposals contained in the improvement plan will have a positive impact, we are concerned that they do not go far enough. We will work with partners, including the Association of Directors of Children's Services (ADCS), Solace, the DfE and National Network of Parent-Carer Forums, to continually review the implementation of these proposals through the test and learn process. We will work to ensure that the evidence gathered through the test and learn exercise is used to inform decisions as to how support will be delivered to better meet the needs of all children and young people with SEND.

### **Next steps**

53. Comments and feedback from Members will be used to inform the LGA's on-going policy and lobbying work in response to the proposals set out in the improvement plan.