



HOUSE OF LORDS

Children and Families Act 2014 Committee

Corrected oral evidence: Children and Families Act 2014

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Members present: Baroness Tyler of Enfield (The Chair); Baroness Bertin; Baroness Blower; Lord Brownlow of Shurlock Row; Lord Cruddas; Baroness Massey of Darwen; Baroness Prashar; Baroness Wyld.

Evidence Session No. 17

Heard in Public

Questions 161 - 167

Witness

I: Anne Longfield CBE, former Children's Commissioner, current Chair of the Commission on Young Lives.

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Examination of witness

Anne Longfield.

Q161 **The Chair:** Good afternoon and welcome, everyone, to this public evidence session of the Children and Families Act 2014 Committee. This session is being broadcast online and a transcript will be taken.

I would like to offer a very warm welcome to former Children's Commissioner, Anne Longfield. Before we get into the questions, would you like to introduce yourself and say a word or two about what you are doing now?

Anne Longfield: I would be very pleased to. I was Children's Commissioner from 2015 to 2021. About a year ago to the day, I set up the Commission on Young Lives, which looks primarily at teenagers at risk. When I was Children's Commissioner, they were the group of young people who I thought were most at risk and furthest away from getting the kind of support they needed. It is a year-long commission and will report at the beginning of November this year.

The Chair: I probably need to declare a minor interest, inasmuch as I am on the advisory group for your commission. That is a parliamentary advisory group.

Anne Longfield: Yes, you are on the parliamentary side.

Q162 **The Chair:** Other colleagues may be as well. I thought I should mention that.

To kick off, reflecting back on your time as commissioner, what did you feel was the biggest of the challenges facing children and young people in this country today that you dealt with? What sort of progress do you think has been made to tackle those challenges since you left office?

Anne Longfield: I put vulnerable children at the heart of everything I did. My interpretation of the Act was that that was what it was about. It was about protecting the rights of all children, but my interpretation was that it was about those who need help most. So I focused on vulnerable children.

One of the first challenges is that it is really difficult to identify information and data about these children, because they are almost invisible. I would go to different departments, and everyone would have a different interpretation of who those kids were. They would say, "The Minister is really concerned about vulnerable children". You would say, "Like who?" They would say, "Well, the patients, or

the pupils, or the children in custody". They were always defined by the place they were in rather than understanding that vulnerability is not something that is neat and in pigeonholes. It usually comes in a number of things. Unless you can get to the cause of it, rather than just the symptoms, you can never get to the heart of it.

That in itself was a major challenge. I set off to work with Professor Leon Feinstein, my director of evidence, to set up what we called a vulnerability framework. Essentially, we set off to code and categorise the nature and scale of vulnerability. That became increasingly sophisticated over time.

I guess the challenges were the machinery of government and different interpretations. There was a question about who leads on that particular aspect of vulnerability and to come up with a solution, and then the holes in data.

All that was overtaken in many ways by the biggest challenge for my last year and a half, which was the pandemic. I obviously had not foreseen that in the time I was Children's Commissioner, but literally from that last year I put my energies into raising issues about children during the pandemic. I was really concerned that vulnerable children were again slipping from sight, be that the fact that they were not in school. Most children were not in school. The schools were open for vulnerable children, but not many were going.

There was rising pressure on families. We knew that domestic violence was going through the roof. I was keen to get schools back open. I put an awful lot of energy across the team in monitoring that, compiling data and presenting that constantly to make the case for greater safeguards for kids during that time.

The Chair: I will ask a couple of quick follow-ups to what you have just said. First, in tackling the pandemic, to what extent do you think the needs of children and their families, particularly vulnerable children, were front and centre of the Government's thinking about what the response to the pandemic should be?

Anne Longfield: My fear throughout was that vulnerable children appeared to be an afterthought. We have seen the largest legacy of children who have increased mental health issues at the moment. They were often in very small homes, with adults who had a lot of their own issues going on. We know that for most of the pandemic 2% or 3% of vulnerable children were in school. I was delighted that the schools were open for vulnerable children. I thought that was a very positive move, but it was not followed up with the determination to get more kids into school.

Since then, I have found from other more community-based groups that it is possible. One school in particular, an Oasis school actually, got about 80% of its vulnerable children in school. When I asked it what it took, it said 186,000 phone calls, visits or emails—

The Chair: 186,000?

Anne Longfield: It has 50 schools, so it is not just one school. It does sound quite a lot for one, but it is even for 50. What I am saying is that it took aching determination, but it could be done. I do not think we did enough during those times to prioritise, and we see that now. The biggest one, obviously, is when schools stayed open, and Primark, theme parks, zoos and various other places opened. Kids had to watch that happening.

That changed over time and there was a commitment that schools should be the last to close and the first to open, but at that time that was not the case. There was no appreciation, in my view, of the added vulnerability of children. We saw the referrals to social services drop off by half at the peak time. Sadly, we see some of the impact of that coming through now.

The Chair: Do you feel that the Children's Commissioner was brought into the policy thinking at an early enough stage in responding to the pandemic?

Anne Longfield: Obviously it was a pandemic and there was the issue of speed about this. I was certainly kept informed. A Minister would ring me and tell me about the places in schools for vulnerable children. The Secretary of State would ring me on a number of occasions when things were happening. However, I do not think that the advice was sought from the Children's Commissioner on how to ensure that children's best interests were met. That is the difference. There were a number of times where decisions were made, where I might have been given something to garner my view from, but I do not think there was a strong enough appreciation of the protection that these children needed during that time.

A slight exception was that vulnerable children were one of the categories that the Cabinet Office, with its inter-ministerial, inter-departmental meetings, looked at. It had tens of categories, but vulnerable children were one of those halfway through and onwards. There was a moment when all departments had to produce data and had to feed that back. There was a sense of momentum with that. In my view, it did not go far enough and it did not continue, but those were the makings of what you could

see that gave the focus and the kind of management information you need to be able to work out what was going on.

The Chair: Thank you. That was very helpful.

Q163 **Lord Brownlow of Shurlock Row:** Do you think the Children's Commissioner has the appropriate powers to discharge its duties? Specifically, do you think that the commissioner should be able to investigate individual cases?

Anne Longfield: This has been looked at a number of times, from the Dunford review to the tailored review—the arm's-length body review. The practical answer at the moment is that there is just not the volume of funds to enable you to investigate cases. It is about £2.5 million for an office. You can investigate cases of children in care, but even with that you essentially cannot broadcast it, because you would be overwhelmed with people wanting you to see their cases through.

We are now seven years on from when the office was strengthened in its powers and given the additional responsibilities for children in care from the director of children's rights in Ofsted. It is not an easy or neat relationship with other advocacy agencies at different parts of the system. There is the potential to review that now, to see whether it is being done as effectively as possible. With cases, there are a lot of children who need a lot of help and support from their families when it comes to advocacy. Think of the children who may have been taken out of school because they do not get the support they need in school, they are home-schooled, or they are suspended. Their families would really benefit from some advocacy. There is a next stage on from children in care potentially to children in need who would benefit from advocacy.

The office is in no way geared up at the moment to being able to do that, but it is a potential. Going back to Lord Laming's original intentions, it was for a much bigger organisation with a regional presence. I am not advocating that at all, but it has gone to a certain place and there are an awful lot of families and children who would benefit from that.

There were also proposals in Josh MacAlister's social care review about taking an advocacy lead or delivering advocacy. Again, it is really interesting. Advocacy is massively hit and miss, and most kids do not even know it exists. His proposals would be that you are opted in until you opt out, which would be very different. Those are worth looking at as well.

The Chair: I am sure you were very conscious of the fact that not only were you appointed by the Secretary of State, but you could

indeed be dismissed by the Secretary of State. To what extent did you feel that ever affected the way you went about your activities? Do you think that it would be helpful to have a greater degree of independence?

Anne Longfield: Personally, I did not feel that that limited what I did. I was very aware of the need for me to be independent. I felt very much that it was my responsibility to represent vulnerable kids who were often in the system and had no way of effecting change about their lives or their system. I was there to stick up for those kids and to advocate for them. I felt that keenly and knew that I would only be able to do that by independence.

The office's independence had been strengthened when I took that on. I also had the powers, which are really important powers, to gather data and information. It is really important to hold the system and those in authority to account. The only way you know is by finding out and putting forward proposals for the extent of that need. I did not feel that that constrained me, but of course you are aware of it, because you have a relationship with your sponsor department.

When the Children's Commissioner Office was set up, the DfE was also children, schools and families. It changed during that period to have much more of a focus on education and schools, which skews things a little, of course; you were expected to work across Parliament.

Although I did not pursue it in the latter years, partly because the pandemic came along, I was really interested to look at whether there was a model where you could have a much greater independence from departments, potentially working to the Cabinet Office or potentially getting your budget set by Parliament, which is what some arm's-length bodies do. Certainly, there was one point where you were getting your funding from a bit of the DfE. That was largely the child protection part, but that is a tiny part of the DfE compared to the education part. You are funnelling down to what is possible.

These are in many ways all political decisions about what emphasis you want to put on children's rights and indeed vulnerable children. Obviously, I would have a lot in there.

The Chair: Thanks, Anne. That is very helpful.

Q164 **Baroness Massey of Darwen:** Good afternoon, Anne. This is a tricky one. We have all found it very tricky to identify vulnerable children, whether they are in the care system, in schools or

wherever they are. You have talked a lot thankfully about vulnerable children already, but I want to ask a couple more things.

First, if you are trying to find vulnerable children, it is a really hard thing to do. Have you found working with the voluntary sector useful in that way, with all their contacts on the ground?

Secondly, do you think it would be helpful to have a Minister for Children and Families again to gather things together and have the clout to do things?

Anne Longfield: What was the start of that last question? I just missed that.

The Chair: Baroness Massey was asking about a Minister for Children and Families.

Baroness Massey of Darwen: Do you think it would be helpful to have a Minister for Children and Families again because of the co-ordination and the clout they might have in relation to all children, but especially vulnerable children?

Anne Longfield: Starting with the vulnerable children, we set out to be able to identify the scale and nature of vulnerability but also the impact. I think it is possible to build that understanding nationally and locally. Locally, a lot of agencies are trying to work out how to solve local problems, but they will never do that unless they understand who the vulnerable children are, what impacts on their vulnerability and what needs to be done about it, which is essentially what we were trying to do.

In the work that I have been doing over the last year, we have talked a lot to community organisations and local communities. One of the things that I thought I knew and have been so struck by—with all these things you find out that there is a lot more—is how sceptical a lot of local communities, especially marginalised communities, are about statutory services. When you look at the good news stories of when it works, so often they will be pinballed around a machine, assessed, referred, assessed, referred, and then they go to a voluntary organisation that sticks with them over time. They have that length of support and people who see them as a whole. Definitely getting more support for those organisations is really important, while reforming a lot of the public sector to be able to work in that much more tailormade, long-term way.

In terms of a Minister for Children, we have a Minister at the moment, but I think there should be a Cabinet lead on that. I have always thought that. That is need now, more than ever.

You asked before what progress has been made. These issues are not going to go away. These children's needs are not going to go away fast. We can see from the level of need in so many children now, where anxiety is through the roof, that it is only going in one direction. I was particularly disappointed that the catch-up programme for education, which was just being looked at before I left, with Sir Kevan Collins, was not funded. There was a crying need, and that remains the case now.

Baroness Massey of Darwen: I will just ask one other thing about the youth service. I am told by youth workers that they are having a real difficulty. Sometimes kids of five come to them because they have nowhere else to go, and they are so badly funded.

Anne Longfield: There are two things, starting with the level of need. A lot of the schools that are trying to be proactive in helping children who have difficulty, especially in secondary schools, are using youth workers and working with youth workers to engage kids, but youth workers themselves tell me now that they are seeing more extreme and more frequent incidences that they have to respond to. The other thing they say is that they spend half their time now working with parents and not just with kids. That has happened over the last two years especially.

As to funding, there has been a 70% reduction in the amount for youth services over the last 10 years. I would like to see an army of youth workers going out there to inspire our kids and get them back to the place they want to be.

Baroness Wyld: Can I ask a follow-up before I go on to ask my question, or is that cheating? I want to push back slightly on the idea that you necessarily need to make the Cabinet bigger and have another named person in the Cabinet. With respect, it is something that people say in Select Committees whatever the topic is.

Anne Longfield: I know.

Baroness Wyld: Do you not consider it is more the case that, if the political will is there, it is incumbent on the Education Secretary and the Health Secretary to be thinking about this rather than just expanding the Cabinet?

Anne Longfield: Of course. I would love the leadership of government to see this as a priority and put the engine of government behind it. I would love this to sit alongside whatever levelling-up is or becomes. I really think we are at the stage now

where, if we want our country to succeed and if we want to maximise the potential of our workforce and grow our economy, we have to make the most of our population and our children. At the moment a third are not getting that. A third are leaving school without basic qualifications.

I agree completely that that should be the case, but until we get that level of priority, and until we get the engine of government behind it, someone has to relentlessly go on about it and really push it. So I would go for your first one.

Q165 Baroness Wyld: I wanted to drill down more into mental health services. You have already raised that and you have spoken with a lot of expertise about what happened in the pandemic. We have the bulk of quite harrowing evidence. What are the specifics now that you would like to see in place? Do you think government can realistically solve all these problems?

Anne Longfield: The big thing, of course, is that we do not want to overmedicalise the situation, nor do we want to just carry on building sophisticated treatment after sophisticated treatment. We actually want to prevent poor mental health in the first place and build children's well-being and resilience. It has to be twin track, in my view. It is doing that preventive work and building resilience as well as accepting that now there are so many kids who need more specialist treatment.

You have the numbers. They are just enormous. I have been struck over recent weeks by the number of teachers who have told me that suicide attempts and self-harm are just part and parcel of everyday life in a school, in a really quite shocking way.

The recommendations that we put forward in our most recent report from the commission on mental health, which looked at slightly older teenage children, none the less reflects what people and health professionals talk about: the need to reform the system and to start being able to build on preventive work. They said that they cannot until they get stability in the system and in kids' well-being. There was a sense that the system is buckling under this demand. No matter how many children are treated, more come through the door.

We said that four things were needed. One is for CAMHS to be able to do what it is meant to be doing, which is getting waiting lists down. Only 25% of children are seen and receive treatment in the four-week period. We need to get that back into a functional place. Also, within that, we need to expand the mental health teams in schools. They are about a third of the way through; we want to get

them everywhere, but there is no money beyond next year at the moment.

That is good, but then we need to acknowledge that there are a lot of children who will not fit into those categories. Either they will not be ill enough or they will not go to a doctor and fit in with that kind of appointment.

We talked about two further things, especially looking at older kids. One was to have mental health hubs or community hubs. I have seen some of those in operation. They are much more like drop-ins. I do not want to say that they are informal, but it does not feel like a clinic when you go in. We need to have more of those. There are some fantastic examples, and they are pretty good value; let us put it that way.

The other thing is to have much more about social prescription. I know lots of people are talking about this with health generally and mental health. It is to buy kids places in sports and arts. They were talking about volunteering. They said they wanted to do stuff together so that they did not sit at home by themselves.

Going back to the catch-up theme, we said that there was a need for a catch-up programme. We put it at about £1 billion over three years, I think it was, but that would enable us to start getting a handle on that and preventing more kids coming through. Of course, there are lots of demands on a billion, before you say it.

Baroness Wyld: No, I was not going to say that. I was thinking that it was less than Kevan Collins said.

Anne Longfield: It was less, but I would have his as well, obviously.

Baroness Wyld: But it is substantially less, I think.

Anne Longfield: His was £15 billion.

Baroness Wyld: That was more for catch-up, but this is for mental health.

Anne Longfield: We looked at that breakdown of figures. There is a lot of billion-pound spend. Of course, it is the bigger thing about what proportion of mental health spend kids get than adults. It is less than 10%. Then you have the parity of spend between physical health and mental health, but anyone who has any contact with kids—be it your own, your grandkids, your neighbours, your school or whatever—knows that it is just in a completely different place than it used to be, even 10 years ago.

Baroness Wyld: I was not going to say what you thought I was going to say. I have a lot of sympathy certainly for greater CAMHS funding, for example. There are some things that the Government do need to sort out and there are funding gaps, but that cannot be the whole answer. Some of the points you have made are very pertinent.

Anne Longfield: The other point is to have points of crisis, where a child is at risk of being excluded or a child is entering custody. Clearly, at any of those points, things are not going well. We should build in automatic assessments for mental health at that point. We should train teachers and others to be able to create positive well-being and to have inclusive schools, where kids were in school. The focus should be on keeping them in rather than the conveyor belt that we know about kids who get moved out of school still.

There are several levels, but certainly if you put a priority on that, and if you make the places where children are in their daily lives positive environments, if you support the professionals who have contact with kids to be able to spot when things are not going well, and if you start to have not only the treatment but the preventive work at a much more efficient and stronger level, I think you will start to tackle something. My fear is that it is just going in the alternative direction unless that level of determination is given to it.

Q166 **Baroness Blower:** Hello Anne. There clearly is a lot of very good work being done on prevention of exclusion, but it is not universal. How can the Government take better account of the views and opinions of children and young people when they are making policy? A lot of us are keen on that, but it is not always evident from government.

My second question overlaps with that. What are your reflections—you have already mentioned this in passing anyway—on the effectiveness of cross-government working during your time as commissioner? Is there scope for the Children's Commissioner to play a larger role in bringing together these different elements of the system to serve children and families better? If it is not going to be a voice in the Cabinet, which we pretty much think it will not be, how else can it be done?

Anne Longfield: Starting again with children's engagement, the role is very much about reflecting the views and the needs of children to those who are making decisions. For me, you would want it to be representative and not just the usual suspects, if you like, which you can get.

If you have a positive strategy and a plan on how to support children and how to support vulnerable children, you engage them in informing that and engage them in delivering it. It is a proactive engagement. If you are talking about engaging children when policies are being developed and decisions are made, of course you can go through your usual focus groups and the like.

Having children's rights impact assessments to all policies would be a very good thing. The children's commissioners across Europe did a detailed piece of work on that over the last couple of years. They have to be used properly. They have to be meaningful because, as with all these things, they can just be filled out and not much attention paid to them. The impact assessment is a very good thing to have.

The other thing is really buying into the whole concept of co-production. Whether you are looking at national policies or local policies, they are just much better policies if they are done collaboratively and with people rather than to them, which is what kids and parents say constantly. So I would say have it as a proactive plan and involve people in that. That would be my ideal.

In terms of reflecting back on the machinery of government and how it can work more efficiently, I have spent most of my time joining dots between different departments and different policy areas—some in the same department. I spent a lot of time making the case in different rooms. It would have been good if someone else had been doing that at the time. I found silos inside silos. There was poor data sharing. There were different sets of data, so it did not match up with others.

I have already talked about vulnerable children being largely invisible until a problem occurred, and then it was a symptom of a problem and dealt with as such.

There has been much talk obviously, in these recent weeks, about Treasury approaches to things, but certainly Treasury approaches do not work with children's lives. They are not long term. They do not look at long-term investment in the way they need to. The long-term investment of something like early intervention just has not been able to get through the Treasury decision-making, because it looks at five years at a time, or less, or three years at a time. Actually, if you look at a child's life, of the disadvantage gap at 16, 40% of it has already happened by the time the child steps into school at five.

It is plain to see, it is obvious, but it needs to permeate through to be able to start making the engine of government work with it. As

you have just said, you have to have the will there in the first place to really force some of those things. It is changing things and it is going against the grain of policy-making as it stands. Of course, with some things there is a reticence about taking the lead, because it will mean that your funds probably have to be spent and your policy teams may need to do it.

It is quite possible that the Children's Commissioner takes a greater role in making some of that happen, but it is a much bigger job than one official can do, to be honest. It has to go to the heart of the conviction and the determination to see the end results here. Of course, there could be inter-departmental meetings and the like. There are layers and layers of them everywhere you look, but without the conviction to make it work best and better there will always be an uphill struggle on some of that.

Q167 The Chair: I have a last quick point about joining up the dots. As you will no doubt recall, Baroness Wyld and I served on the Public Services Committee. A year or so ago we conducted an inquiry into vulnerable children. Indeed, you were the special adviser on that committee. Do you feel that any particular themes or recommendations came out of that report that this committee should be having serious regard to, given our remit and focus?

Anne Longfield: Early intervention was a large piece of that in the end and, again, the power of work with charities that could stick with people for the long term.

It would be of value to look at early intervention and prevention as part of the work and looking at the Act. I am sure you have had or will have Edward Timpson along to talk to you. He will say, "We decided to do this, but it relied on lots of things happening. It relied on people working together. It relied on local mechanisms".

There have been lots of discussions about the mechanisms to support joined-up support for vulnerable children and early intervention for vulnerable children, but they still remain at the point where they are not working enough for those vulnerable kids. The mechanisms nationally and locally, and the business case for early intervention, are two areas that are very much worth looking at.

The Children's Commissioner's role is completely independent. It benefits from that. It is an arm's-length body and does what it says on the tin.

The Chair: Thank you very much, Anne. It has been a very good session. Thank you so much for your time, your expertise and your reflections. It has been very helpful.

Anne Longfield: Obviously, if there is anything else, get in touch and I am happy to add more on any of those points.

The Chair: Thank you very much indeed.