

# Education Committee

## Oral evidence: [Children's Homes, HC 83](#)

[Tuesday 19 October 2021](#)

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Watch the meeting

Members present: Robert Halfon (Chair); Apsana Begum; Tom Hunt; Dr Caroline Johnson; Kim Johnson; Ian Mearns.

Questions 53 - 144

### Witnesses

**I:** Victoria Langer, Interim Chief Executive, Become; Patrick Ward, Chair, National Association of Virtual School Headteachers (NAVSH), and Headteacher, Lewisham Virtual School; Mark Russell, Chief Executive, The Children's Society; and Hannah McCowen, Manager, National Care Leavers Benchmarking Forum, and Catch 22.

Written evidence from witnesses:



## Examination of witnesses

Witnesses: Victoria Langer, Patrick Ward, Mark Russell and Hannah McCowen.

Q53 **Chair:** For those listening on the internet, could you kindly introduce yourselves very briefly and your position. We have a fair bit to get through today, so could you be very concise in your answers? It would be hugely appreciated.

I am going to start with Victoria. If you could introduce yourself and your title and what your organisation does.

**Victoria Langer:** I am the interim CEO at a charity called Become and we support children in care and young care leavers.

**Patrick Ward:** I am Chair of the National Association of Virtual School Headteachers and Headteacher of Lewisham Virtual School.

**Hannah McCowen:** I manage the National Care Leavers Benchmarking Forum for Catch 22. We work with 124 local authority leaving care teams, who are part of the forum to share good practice and campaign with care leavers.

**Mark Russell:** Before I introduce myself, on behalf of The Children's Society can I extend my thoughts to all Members of Parliament at this tough time? The thoughts of my team are with you and thank you for all that you do to represent our nation. I know this must be a very demanding time for you and your families.

I am the Chief Executive of The Children's Society, which is one of the leading children's charities in the country. We support children across the country with everything from mental health challenges to children living in poverty, children facing abuse and exploitation. Thanks for inviting me.

Q54 **Chair:** Thank you and thank you for what you said. It means a lot to all of us. Evidence sent to the Committee by yourselves, and others, has raised significant concerns about the educational outcomes for children in care homes. It seems to be one problem after another in the way that these children are being failed, whether it is getting into good schools, whether it is having poor education provision inside the care homes, having poor careers advice—or non-existent careers advice in most cases—and poor outcomes. What is your assessment of the current context and how has the pandemic affected the educational provision for children in care homes? Have there been any areas of improvement, and can you explain the reasoning behind these improvements?

**Mark Russell:** My starting point for this is I believe passionately that the state should be the best possible parent to look after children. I think the state should be ambitious for children, and I think the state should be a pushy parent. Despite the excellent work of many people across the system, we believe that the system fails too many children. Often it seems that the system works in favour of those providing care, rather



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than being child centred. There are a multitude of issues going on and it is very difficult to unpick one of them without it spilling into all the others. Whether that is the unregulated accommodation sector, whether that is the significant number of children placed out of area, whether it is the lack of consistent adults in those young people's lives, all of that impacts on children's ability to learn and children's ability to excel at school.

If a child is being moved consistently around the country and placements break down, those children are not in the same school for very long and are not getting the chance to build up relationships. When we did some research into this, one of the young people we worked with said that, in the last couple of years, she had only had weeks in school. That is the reality for too many children in our care system.

If you ask us where we would start, it is about the sufficiency of accommodation and placements in the right area for children. Creating that level of stability would enable those children to have the context within which they could thrive academically.

**Hannah McCowen:** The area that we focus on is when young people are leaving care, and there are just so many issues that are interconnected. The cliff edge at 18, particularly for young people who are leaving care homes, is such a massive problem. We have welcomed the Staying Close project and the outcomes they have been seeing. That is what we need to see rolled out across the country because it is unrealistic to expect that young people who are 18 can start managing on benefits, manage their own housing, as well as maintain any kind of education support.

On top of that, we do not have enough investment in terms of we know that relationships are what make a difference to young people. Personal advisers' caseloads are too high and there is simply not enough investment.

When we spoke with frontline leaving-care workers who were working with young people, we found that one of the main areas around educational employment is motivation and confidence. Building motivation and confidence is time-intensive and it needs young people to believe that someone believes in them. That is what we would like to see.

**Victoria Langer:** I want to echo Mark's comments around sufficiency and stability. Stability is one of the things that we hear from young people is really important. Also, there is something around whether or not the teachers that support children and young people understand what being in care means. When we did some research back in 2017—and of course that is a bit old now—we found that only a quarter of children and young people felt that they were being supported appropriately.

We also did some research in 2018 that looked at teachers, and we found there is a significant training and knowledge gap for teachers around children in care and supporting those children. If teachers were supported



and understood the care system and understood the experiences of the children in care, that would support them. At the moment they feel like they are expected to fail; they feel that they are quite stigmatised. We hear quite often that they do not want to tell people that they are in care because they feel that they will be judged and they will be judged in the educational setting too.

**Patrick Ward:** I represent an organisation where everyone has a statutory role for ensuring good educational outcomes within a local authority. I think my members would agree with the focus of this Committee that the outcomes are not good enough. The principal reason for that is local authorities are not using their statutory powers to secure good educational access or outcomes for young people in care. Essentially, we are failing as a corporate parent and I think there are many reasons for that.

I echo colleagues' focus on sufficiency. There is not sufficiency within the sector. That does not just apply to residential care. It applies to foster care too, in fact maybe more so. Everything that we say today about residential care would also apply to foster care.

As well as sufficiency, there is a lack of regulation. The idea that local authorities choose where they send young people into residential care is something of a fiction. Local authorities regularly spend weeks, months, attempting to find somewhere within a completely unregulated market, a completely privatised market, and are unable to find any provision.

What tends to happen there is it is a yes to the first provision that will take the young person. Under those circumstances, there is a fundamental dynamic that makes it very difficult for local authorities to hold those provisions to account. There is a fundamental issue with how local authorities are held to account. Educational outcomes for children in care are just not being tracked anywhere within the system. They are not being picked up with Ofsted ILACS inspections.

I saw a report, which I know you have all seen, when Ofsted looked at the education of children in residential care and found that many were not receiving an education or were missing in education or it could not be established. That is a national scandal and we should ask ourselves why that is. If it was a vulnerable young family they would be prosecuted for not sending their children to school. Why are local authorities and the state allowed to get away with that? Why are they not using their statutory powers?

I would go down to these fundamental questions when looking at your methodology today.

Q55 **Chair:** I am going to ask the next question predominantly to you, Patrick, but the others can answer if they would like. Ofsted revealed research that found that 9% of children in care homes are educated in unregulated educational alternative provision. How can Virtual School Heads account



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for the acceptance of the practice of placing children in onsite or private tuition over finding mainstream school places for these children? How can Virtual School Heads ensure that looked-after children educated in unregulated alternative provision are getting the best possible education, if these providers are unregulated and not quality-assured?

**Patrick Ward:** It is utterly unacceptable as a practice. I think why it is happening is a lack of statutory powers are given to Virtual School Heads versus statutory role. It is not defined anywhere what powers a virtual school will have within a local authority. The powers go to the DCS. The Virtual School Head only has whatever statutory powers a DCS chooses to delegate to them.

When you try to place a vulnerable young person in a mainstream school you get a lot of pushback. Essentially, schools do not want to take these young people because they believe there will be a negative impact on their outcomes. Therefore, you have to be very robust, understand the law and be willing to use your statutory powers as a corporate parent. Many local authorities aren't. Many virtual schools have not been given that role within the local authority to be able to do that.

Also, there is a lack of accountability. As I said, no one is looking at this. No one holds a DCS or a local authority to account, or a virtual school for that matter, over how many of their children are missing in education or in unregulated provision. The Department does not know. The stats are not held anywhere. If you ask anyone how many children in care are missing education within the country currently, no one would be able to tell you that. The methodology exists, but we are not using it. I would say they are the principal issues.

Q56 **Chair:** One important thing is to get the data. When a child is placed in tuition rather than in a mainstream school, who retains the responsibility for ensuring that a looked-after child accesses a full-time education?

**Patrick Ward:** The corporate parent, so the local authority that placed them there, not the host local authority. It is my responsibility as a parent to ensure that every single child in Lewisham, wherever they are placed, not only has a full-time education but has one in a DfE registered school.

Accountability: when I show the list of children in care to Lewisham and I show their schools, next to every one of those schools should be a DfE number to show that it is a properly registered provision. That happens within my local authority. I invite that level of scrutiny from my DCS. It is not happening nationally; people are not looking at that. That is why the data will not tell you that.

Also, all data you will ever see on the education of children in care is fundamentally unreliable because it comes from school census data, so it is only tracking young people who already exist within the system. It is not tracking those young people who are falling through the gaps, who a



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report—like the one you are referring to—shows up. To do that, you need to track on a national level social care data, 903 data, against the school census and look at the gaps. You will find significant gaps.

You may know the role has now been extended in virtual schools to children in need and on protection plans. Going through that data trawl at the moment again reveals significant gaps, probably bigger ones. That is the data consolidation that must happen if we are ever going to have proper data on this issue.

**Q57 Chair:** The Children’s Commissioner raised concerns that if a looked-after child is offered tuition, that lessens the urgency to find them a school place. Is that correct?

**Patrick Ward:** Yes.

**Q58 Chair:** What kind of processes are in place to make sure that the tuition they are offered is short-term?

**Patrick Ward:** Sadly, no proper processes. There should be processes within the local authority. Again, you should be saying, “Okay, this name you have against a young person that tells you where they are being educated, again where is the DfE number? Where is the evidence that is a registered school?”

**Q59 Chair:** Why is all this information not collected, the data that you have been talking about?

**Patrick Ward:** That would be a question for the Department. It is collected in my local authority, it is collected in many local authorities, but there is no system for collecting it nationally.

**Q60 Chair:** Do you think that all onsite or alternative provision should be regulated?

**Patrick Ward:** I think if you place any child in care anywhere it is the same standard you should hold for your own children. It should be a registered, regulated school that you believe is the best possible option for that young person. It should not be limited by cost or convenience, or because you do not want to upset an academy chain.

**Q61 Chair:** If I could move on to other questions on careers advice before I pass over to my colleagues. We had a submission from Career Matters, which said that “many children in residential care do not receive any career guidance support from an appropriately qualified career practitioner. This will, in part, explain why such a high proportion of care leavers become classified as not in education, employment or training”.

What steps should the Government take to improve these outcomes for care leavers, particularly in terms of careers? As I understand it, local authorities have a statutory duty to provide each care leaver with a personal adviser. The personal adviser has been extended to leavers up to the age of 25, but what percentage of care leavers take advantage of



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this additional support? Should the provision of support through personal advisers be extended into adulthood to help care leavers take advantage of the Government's Lifetime Skills package, for example?

**Mark Russell:** Thank you for the question. I think there are issues wider than careers. Our experience from the children we work with is that many of the young people who find themselves in care who end up in a PRU are often on reduced timetables. There are a significant number of things that they miss out on, not just on careers. They miss out on PSHE. They miss out on relationship education and they miss out on lots of other areas, such as sport. Therefore, those young people are missing out on some of the skills sets that would help them move through into adulthood, and these are the very young people who need this support.

I want to encourage the Committee to think about education in its most holistic sense, so that care-experienced young people receive all the learning that they need—careers, food, budgeting, consent, healthy relationships, how to spot signs of exploitation and abuse and their rights—so that we can help them transition into adulthood in the best possible way. Certainly, from our experience young people are missing out too much in their school education.

We have a programme that covers Essex, Hertfordshire and Norfolk called Inside Out. That provides intensive mentoring to young people who have had significant numbers of placement breakdowns in the care system. We have shown through our work—and it has been independently looked at—that with intensive coaching for young people who are experiencing all those difficulties, we can help them turn a corner and face a better future. It is possible.

**Hannah McCowen:** Around the question that you raised around personal advisers, I will come back to you around how many young people are taking up that offer after 21. What we do know is that young people who are coming back between the ages of 21 and 25 are coming back with quite a lot of complex needs and require a lot of support.

Some care-experienced young people will need support after the age of 25 and there should be a service, because the impact of trauma that young people have experienced through care impacts them throughout their lives. Particularly around mental health support, there does need to be priority across the lifetime of people who have been through the care system.

**Victoria Langer:** It comes back to the people who are supporting the young people having the information, the understanding and the knowledge of what young people are entitled to. Quite often we find that the reason that young people are not getting careers advice, or they do not know what they are entitled to, is because the people who are supporting them do not have that information, because we are not investing in the professionals who work with young people.



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One of the things that we are doing is we are working with four local authorities to do pilot training and support for personal advisers. We found in developing and designing that training programme and working with personal advisers that there is a huge knowledge gap in terms of what currently those personal advisers know. We think that supporting and investing in training, and having some national standards, would help.

**Q62 Chair:** Is it basically a postcode lottery? You said that you are in Essex and Hertfordshire. That is presumably because the local councils hire you to do this and your work as well, but presumably this is a bit of luck. Is that right?

**Patrick Ward:** Yes, absolutely right. Victoria is correct that it often comes down to skill base. Local authorities know that the skill base for that service should exist within the virtual school, and we would be best placed to provide this service to young people, careers and so on. Also, the holistic services that Mark mentioned.

However, we have created a cliff edge in that all funding for virtual schools stops at 16, so at year 11 that is it. There is no funding of any kind for young people in post-16, let alone post-18 going into virtual schools, so going into a statutory education offer. That is the fundamental issue. We have created a cliff edge exactly when they are most vulnerable. There is no logic to that.

The Department has recognised that and is currently running a pilot. If that pilot is successful and the funding is made available, that would be a complete gamechanger. If it is not, that cliff edge is going to remain.

**Ian Mearns:** I must admit, I do not understand why they need to have a pilot. It is just such a huge gap in the system. Why the hell do you need to have a pilot to rectify that? I am terribly sorry; that just seems to me crass, but there you go.

**Q63 Chair:** In a nutshell, what would an ideal career/mentoring system look like if it was working properly?

**Patrick Ward:** You would have a very similar service up to 16. You would have a lead professional with the right skill base sitting within the virtual school, in the same way you might do for relationships education and in statutory education. Then if you had the pupil premium extended, in the way that Ian has just outlined it should be, you would have sufficient resources for that individual to commission mentoring, to commission specific careers and to make sure that there was proper transition up to 18 at the very least.

**Q64 Chair:** Finally, my passion in politics has been apprenticeships. My first ever speech in Parliament was about apprenticeships; my maiden speech. I find it incredibly depressing that just 2% of care leavers are taking up apprenticeships, given that they can earn while they learn and get a good job at the end. We know that in 2018 the DfE introduced the bursary,



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£1,000 for care leavers. Is this working? Is this making a difference, Hannah?

**Hannah McCowen:** One of the big issues with the apprenticeship is that the National Minimum Wage for the first year of apprenticeships is £4-something, which where young people are living independently is just not enough. The only apprenticeships that care leavers can afford to take up are where employers say, "Oh, we will pay the Living Wage or the National Minimum Wage". That is a major hurdle.

The other thing is around the qualification requirements that are needed. The Civil Service is running Civil Service internships, where you do not need specific qualifications and those have been far more successful. Those are some of the models that we are trying to promote. We need ring-fenced opportunities but there needs to be more flexibility around the qualifications that are required.

Q65 **Chair:** What does that mean in normal language? What are you saying should happen?

**Hannah McCowen:** We need wider opportunities than apprenticeships where you need a certain level of maths and English. There should be some more flexibility so that maybe you could get that maths and English qualification as part of the role. We have seen that right across the Civil Service, but it would be great to see those opportunities across some of our other family firms, like the NHS, the police, and create opportunities there.

**Mark Russell:** I think all of the things we are talking about boil down to the fact that for many young people in care they simply do not have a trusted adult to talk to about the things that are going on in their lives. Children turn to their parents or turn to a teacher in school. For many care children they do not have that trusted adult, so they do not know who to ask for advice on things like this.

I am sorry to sound like a broken record, but the beauty of the programme we are running in Essex, Hertfordshire and Norfolk is that it is providing that trusted adult for that young person in care right through. It helps them process what is going on in their lives, helps them think about the opportunities in front of them, think about the skills that they have and what they can offer.

The Committee might know that the independent evaluation we did under that project shows that the cost per young person was about £16,900, but the saving to the taxpayer, as a result of that programme, was 2.5 times that in terms of the cost saving to the taxpayer down the line. It is about more than that; it is about giving those young people the best opportunities.

**Patrick Ward:** No local authority could say that their statutory education offer did not value GCSEs and A-levels. That is taken for granted. It should be exactly the same with their vocational offer. It should be



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mandatory; it should be scrutinised. Apprenticeships are just as valuable for the right young people as GCSEs and A-levels. That should be part of a local authority's mandatory offer.

Q66 **Chair:** What would happen in practice? Give me an example in a local authority of what you are saying. What would happen?

**Patrick Ward:** You would have to identify who your vocational cohort were likely to be, who was likely to benefit from an early age.

Q67 **Chair:** Who would be doing that?

**Patrick Ward:** The virtual school. Absolutely. Our responsibility.

Q68 **Chair:** Then what would happen?

**Patrick Ward:** We would be responsible for demonstrating to any external scrutiny that we were providing those young people with the right basis to begin an effective apprenticeship, we were helping them through that apprenticeship and then we were passing them on to the next service at the end of it, exactly the same as academic pathways.

Q69 **Chair:** The £1,000 bursary does not make any difference?

**Patrick Ward:** Not on its own, no.

Q70 **Ian Mearns:** Mark, written evidence from The Children's Society raises concerns about children being educated onsite in their own home, their own children's home. Can you outline those concerns for us, please?

**Mark Russell:** We are concerned about young people who are being educated outside of mainstream schools. Our practitioners would say that many times those settings are not fit for purpose. Those young people are not experiencing the best quality education. It might only be for a few hours a week that those young people are experiencing education.

Alongside that there is the social impact of being isolated within their home and not interfacing with other young people and children. That is why we have argued strongly that we need to see education in a holistic package for young people, which takes into account all of the aspects of children's development and learning.

Q71 **Ian Mearns:** Are there any circumstances where onsite provision in the children's home might be the best choice for a child in residential care?

**Mark Russell:** There may well be, and I think we would argue consistently what is important is hearing the voices of young people and to hear what they think about the offer in front of them. Sometimes that might be the right thing to do.

The other thing I would say—to back up what Victoria said—is around the fact that many professionals have not had the right level of training to support some of these young people, and therefore are perhaps not recognising that behaviour, for example, is a sign of something else.



Therefore, the response is a punitive discipline response to the child's behaviour, rather than an offer of support and help, which might be what that child needs most.

**Q72 Ian Mearns:** Would there be any mileage for looking at the very vulnerable and quite often damaged young children in terms of extending the corporate parent role to other publicly funded bodies other than the local authority? For instance, any school that is publicly funded or any part of the NHS also has a joint responsibility as part of the global corporate parent?

**Mark Russell:** It would be an interesting area to explore. I think what we are all hoping will happen is that over the next year or so, as Josh MacAlister's review reports, that the systemic questions his review are asking about the entire system will help us come to the right conclusions, so that we can put children central.

Our view is that there is no future option for the children's social care system that is not going to cost the taxpayer more money. That is clear, judging by the trajectory of the numbers. Therefore, it is a question of how we get the best value for that resource, and the best outcomes for young people. I am hoping that will be central to what Josh is working on over the next number of months.

**Q73 Kim Johnson:** Good morning. I have two questions for Patrick on Virtual School Heads. Local authorities like mine in Liverpool have lost substantial funding over the last 11 years as a result of austerity. What impact do these cuts have on educational attainment, and do you have any evidence to prove that?

**Patrick Ward:** It is hard to identify exactly which cut impacts on which outcome. Certainly, I would argue that the huge cuts that you are seeing to mental health services have a very obvious effect on rising exclusions, both formal and informal. There is a lot of evidence that I think supports that link.

It is important to know that the pupil premium grant, which funds the work in a virtual school in educational interventions for a local authority, is theoretically completely ring-fenced and should not be affected by cuts. However, who is checking how well that is being ring-fenced? How do we know local authorities are spending that for the purpose it is intended? How do we know they are not using it to address underspend in other areas? I argue there is a lack of scrutiny in that area.

To go back to your point, if the pupil premium is being misspent either by schools or local authorities to deal with initial overspend—which it may well be, we do not know that it is not—it could have a huge impact because that work then is not happening.

**Q74 Kim Johnson:** In your introduction you were quite damning in saying that you felt that you have been failed as a corporate parent. What needs to happen to look at some of those regulatory changes, particularly



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around pupil premium?

**Patrick Ward:** I think we are failing the children as a corporate parent, is my essential point. I think there should be some scrutiny over how local authorities are spending the pupil premium grant on children in care, and if they are spending the pupil premium grant on children in care, because again I listed the ways earlier in which the scrutiny could be happening and is not. It is fundamentally not happening for that grant.

If that is extended to post-16, as it should be, is extended for children who are adopted at the moment, extended for children with a social worker, again we are facing the same problems. Is it being spent correctly? How do we know it is being spent correctly?

Q75 **Kim Johnson:** Virtual School Heads were brought in in 2014. Would you say there has been any significant change over the last seven years in terms of how looked-after children in education has improved?

**Patrick Ward:** The evidence on exclusion is an obvious one. Permanent exclusion has dropped hugely. It is very hard, because the figures are unreliable. The figures are going by the school census. I do feel there has been an increase in progress and attainment. There is lots of localised evidence to suggest that. It is very hard to demonstrate on a national level because of that problem with the methodology. Inclusion and engagement indicators I would say is the strongest evidence.

Q76 **Ian Mearns:** Kim's point about Virtual School Heads, a number of local authorities have had Virtual School Heads for much longer than that. Was it in 2014 that it became a statutory requirement?

**Patrick Ward:** Yes. I was in post in 2010.

**Ian Mearns:** My own local authority in Gateshead had a Virtual School Head probably 20 years ago.

Q77 **Tom Hunt:** In my constituency we have a couple of supported living providers, so I think young people when they leave care go there for a time and that is meant to act as a transition between being in care and having a lot less support. What sort of role do you think those centres provide? Are they doing their role at the moment, and is there more that we could do?

**Hannah McCowen:** There is a definite need for those stepping-stone accommodations between people being in foster care and living independently. There are a lot of issues. There is a significant barrier to getting into employment, because if you are in supported accommodation the way that the benefit system works is that as soon as you get a job you do not end up better off. We need to see some changes there in terms of how that is funded.

The question is around unregulated accommodation. Some of them are excellent, and some of them are poor. We welcome that the standards



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have been brought in up to 18, but I am concerned about young people who are over 18 who remain vulnerable. Those are places where younger people are getting exploited.

**Q78 Tom Hunt:** A point about special educational needs, we have discussed this in previous sessions, and I have a bit of an idea as to why this is the case, but we have had some written evidence that is quite startling in terms of the percentage of those in care who have learning disabilities. I think about 45% have an EHCP plan and there is another significant group who do not have a plan but have some support that they need. It is almost six, seven times the national average. Why is it the case that there are such a large proportion of those in care who have learning disabilities?

**Patrick Ward:** I would look at it in two different ways. One is that unmet special educational needs can place huge strains on an already vulnerable family situation, when the system is not recognising those needs and supporting the family with those needs. Often vulnerable families are less good at navigating the system to get the right sort of provision for their young people, so that unmet needs, and the behaviours that are then presented, can accelerate family background. That is one.

Another is looking at it in a different way, which I think when we look at the children in need population that we are now responsible for, in that there may be high levels of EHCPs because children in care are getting the assessments completed. We are getting EHCPs through because we can be very assertive of that, as a child carer, because we are a corporate parent. I think you will find that there are lots of children in need, children on protection plans, who should have those assessments in place but have not been getting them. When we become responsible for those cohorts and we look at those cohorts you are going to see that assessed needs go up, because we will make sure that they get the proper assessments.

**Mark Russell:** If you look at the numbers from ADCS over the last number of years, the number of children on child protection plans has increased by 76% between 2008 and 2020. We also know that there are 34% more children in care now than there were 12 years ago. From The Children's Society perspective, we cannot disconnect that from the 50% cut in early intervention spending over the last decade. We have seen a cut of £3.6 billion down to £1.8 billion.

What that means in real terms is that support for families from substance and misuse issues, youth provisions, youth clubs, family hubs and family support, the sort of advice centres that provide a family who perhaps do not know how to navigate the system with the advice to make sure that those children get much help earlier on. It is also providing respite care for disabled children and their families.

What we often find with the children we are working with is that the children have unmet needs for too long. That means that local authorities



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are then using the limited resources that they do have at the crisis end, rather than at the earlier stage where we perhaps might be able to fend some of these issues off.

I want to encourage the Committee to encourage the Chancellor in the Spending Review to put that early intervention funding back in, so that we can stop some of these problems happening. It is good value for the taxpayer, but it is also much better for families.

**Q79 Tom Hunt:** I could not agree more about that: good value for the taxpayer as well as the moral argument. We are seeing that also in our prison education inquiry as well, the huge proportion of those in the criminal justice system who have learning difficulties.

In essence, my sense from all of you is that prioritising these young people in law for good and outstanding schools is not worth much and does not seem to be working in practice.

**Patrick Ward:** You mean putting into good or outstanding?

**Q80 Tom Hunt:** Yes. It does not seem that is working, and it seems as though schools may be able to find a way around it.

**Victoria Langer:** The key thing—to make a comment about the good and outstanding schools—is that the best schools for young people are the ones who are able to support them in the most impactful way: do they have trauma-informed practice, are teachers aware of what it is like to be in care? Just being an outstanding or a good school does not mean that you are set up to support children in care and children who are living in children's homes. That is the point. We can say that it is a statutory requirement and it is important, but they might not be the right schools or the best schools to support children in care if they do not have the right provision in place.

**Q81 Tom Hunt:** If one is of the view that the Ofsted framework as it stands does not do enough to reward schools for doing good work on SEND—and there is such a high proportion of these children who have SEND—I agree that focusing on good and outstanding, if you believe that there are certain schools who are not being assessed in the right way, might not be the best approach. Ultimately, it seems as though a lot of people I talk to in the education sector think there is a problem with off-rolling and schools and teachers not always being incentivised or rewarded for the great work they do on special educational needs.

Often they feel as if there can be a conflict between doing what they believe is the right thing for the young people they are responsible for but also—not unreasonably—wanting to be professionally successful via Ofsted. We know that there can be this problem with SEND when combined with children in care. Do you think ultimately a lot of this goes to the Ofsted framework, and do you think certain changes need to be made to the Ofsted framework, in the way that Ofsted has set in schools to provide an incentive for schools to do their job here when it comes to



getting as many kids in care into their school?

**Chair:** Just to align what Tom is saying, in your views are schools discriminating against these children, because the evidence is there, because they believe these pupils will underachieve?

**Victoria Langer:** I do not want to say that they are discriminating, but I think part of this is that we are not measuring progress. We are measuring ultimate outcomes. For lots of children in care, it is not the outcome that is important. It is their own personal journey of where they started from, how they are supported and how they end up. What we are doing is measuring children's outcomes against other children that is just not possible for them to achieve. Part of this is about how we measure success for the children in care and how we might look at that in terms of progress, rather than ultimate outcomes.

Q82 **Tom Hunt:** Ultimately, I think what we may be agreeing upon is that Ofsted should be measuring the positive difference made to the particular young people that it is responsible for and, when Ofsted assesses a school, it should be acutely aware of the different circumstances that some schools face compared with others. If there is a school with a high proportion of those in care, or a high proportion of children with learning disabilities, clearly we must have an Ofsted inspection regime that is sensitive to that, which does not penalise those schools but does quite the opposite and rewards those schools.

It might be the case that they do not get such good outcomes but, if they are making a huge positive difference to the lives of children from vulnerable backgrounds, do you feel that those schools are being rewarded currently and what sort of changes do you think can be made to the Ofsted framework to incentivise them?

**Patrick Ward:** No, I do not feel that the framework is fit for purpose, as you can imagine. NAVSH's ask to Ofsted on this is that it becomes a limiting judgment. If you are not good or outstanding for vulnerable learners you are not good or outstanding. You cannot possibly be a good or outstanding school if you are not good and outstanding for those young people. To me, that is just basic common sense but that is our ask to Ofsted. That would change the framework overnight. It would change how these young people are prioritised and perceived overnight.

To go to your question, Chair, about discrimination, I think yes and the evidence is there if people choose to look at it. If you look at how many young people in care are refused admission to schools. Local authorities must go through a process, sometimes involving a statutory direction, just to gain access to a school. That tells you something. That is a risk-free process for a school to enter into.

Even if they are completely unjustified in refusing admission, the worst thing that can happen is they ultimately have to take the young person. There is no sanction for them having completely refused or blocked an admission to a school when they know that they are in a legally



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indefensible position. They will keep doing it as long as there is no sanction against that. Again, that is something that Ofsted could look at.

Q83 **Chair:** The way that the Government have just changed the Fair Access Protocols—I think it has just come in—is that going to make a difference?

**Patrick Ward:** No because the Fair Access Protocols do not apply to children in care. The primary legislation is there for every local authority to use to get young people into care, but there are many blocks within the system that prevent that happening in a timely manner.

Q84 **Chair:** Does the Fair Access Protocol not apply to what are termed challenging pupils?

**Patrick Ward:** The existing primary legislation for children in care is more robust anyway, so you have the statutory powers that you need. That is not a problem. We do not need more primary legislation. It is how it is explained and interpreted. Most people have never heard of section 19 of the Education Act, but it very clearly outlines the responsibilities of a local authority. However, there is no means or process to enact it. If a local authority refuses to offer education, rather than a school—because these are cross-border admissions a lot of the time, one local authority placing in another—there is no process to address this.

Q85 **Chair:** Apart from Ofsted, is there anything else one can do to make sure that children in care go to good or outstanding schools?

**Patrick Ward:** Absolutely. The Department can issue proper guidance of how section 19 legislation should be enacted by local authorities.

Q86 **Chair:** To be clear, I understand that you must measure progress but surely we also want these children who go to these schools to have good jobs or go to further or additional education afterwards? Surely it should not be either/or? Ofsted should measure both. Do you agree with that? The way it came over was that you just wanted to measure progress during the school, but that could be a woolly term and potentially could mean quite a lot of things to a lot of people.

**Patrick Ward:** Absolutely it should not be either/or. Of course, we should measure outcomes, but you measure them against that young person's individual journey. You are measuring outcomes for unaccompanied asylum seekers who are in care. Initially, you tend to measure the ability to learn English and then you move on to the next step. You are measuring 52-week disability placements. You are looking at a very specific set of qualifications that those young people take. Yes to outcomes, yes to attainment, but within the context of their individual journey as learners, not blanketly across the board.

**Mark Russell:** The Department has Josh MacAlister's independent review into children's social care. There is also a review in the Department on SEND and the outcomes for SEND young people. As a bunch of children's charities, we have been trying to encourage the Department to try to join



that work up a bit better. One of the ways the Department could join that work up a bit better is by commissioning research into what the education of children in the care system looks like, and to focus on the outcomes of that and the consistency of the education that those children are receiving, particularly for those who are out of area placements, who have been moved consistently. That information is not currently available. That would help to ensure that those children get the best possible start in life.

**Q87 Apsana Begum:** I want to declare that I knew Patrick Ward as a former resident in my borough, and to put that on the record.

I want to pick up on what has just been said about attainment. It would help us on the Committee to understand what is measured, the trajectory of a young person in care and the quality of education they receive. To your knowledge, what currently exists in terms of how outcomes, outputs and attainment are measured for these young people?

**Patrick Ward:** I think one of the issues is that there is no standardised way of measuring. That is the problem. Local authorities have a lot of ways to measure it but they are all individual to those authorities. That is why it is very difficult to scrutinise anyone and hold anyone to account on the outcomes for their young people, because of that lack of standardised measurement or methodology.

**Hannah McCowen:** In terms of outcomes for care leavers, leaving-care teams do report the numbers of young people between 18 and 21 who are engaged with educational employment and the numbers of NEET and also the numbers who go to university. It is just coming in now from April they are going to report on those between 21 and 25, but only for young people who make contact themselves with the local authority. We are starting to see that extended, which is helpful.

**Mark Russell:** We have not talked about missing incidents yet and missing incidents are some of the data that are recorded. We know that missing incidents are recorded for 11% of looked-after children last year. That means there were 81,000 incidents. That means there were an average of 6.5 incidents per child who went missing. The largest proportion of those were in secure units, children's homes and semi-independent living arrangements.

What the Department has not done is measured data for those who go missing from out of area placements. We think that will be a significant piece of data that we do not yet know, because we know that children in out of area placements who go missing are substantially more at risk of being criminally or sexually exploited.

**Q88 Apsana Begum:** In terms of the School Admissions Code, from what we have heard already this morning it seems as though it is not being implemented in practice and that there seems to be discrimination in terms of schools admitting looked-after children. I want to get a sense of



what the difference is in terms of academies and local authority schools. My understanding is that the School Admissions Code says that the local authority has power to direct the admission authority for any maintained school in England, but it is not the same for academies. Of course, 39% of primary and 78% of secondary schools are academies. If an academy refuses to admit the child the local authority can now ask the Secretary of State to intervene. How prevalent are cases like this where a Secretary of State needs to be appealed to, to intervene?

**Patrick Ward:** Very prevalent. Formally, there is not much difference between gaining access to a maintained school and an academy. You have the same statutory powers to direct both, so there is no reason why a school being an academy should be more of a barrier. There is a slightly different process that you must follow but, ultimately, it is the same dynamic. The local authority, the corporate parent, has the statutory powers. If they use them correctly, that child will gain access to that school, academy or maintained. The issue is how those powers are applied.

Q89 **Apsana Begum:** I also want to get a sense of where are there more powers needed and who is accountable? Patrick, if I can come back to you. Do Virtual School Heads need more powers? You mentioned earlier about the lack of statutory powers, but do you need more power over education and placement decisions? Is that something that would help?

**Patrick Ward:** Absolutely. Those statutory powers at present reside solely with the DCS. To me, that is way too centralised a model in a local authority to be effective.

Q90 **Chair:** For the benefit of those watching, what is DCS?

**Patrick Ward:** That is Director of Children's Services, so that is a statutory role above the Virtual School Head within a local authority. In my view, way too centralised a model. The statutory power should be delegated to the person who holds that statutory role within a local authority, a bit like the chief fire officer in a local authority. They have obvious powers relating to their role. It should be exactly the same with a Virtual School Head and the education powers. That would create greater accountability.

**Hannah McCowen:** In terms of outcomes for young people post-18, there are so many factors that impact that. What we would like to see is a strong national offer to care leavers because the offer to care leavers is so patchy, depending on where you live, and varies so much. Particularly issues like digital poverty impacts young people being able to access employment education, so we would like to see digital provision for young people up to the age of 25 provided; young people able to access the higher rate of universal credit, the over-25 rate. Those are some of the practical building blocks that would give those young people the security to then go on and engage with education and employment.



Priority housing, wherever they live, so young people coming out of children's homes, even if they have been placed out of borough for many years, will still struggle to get accommodation in the area that they have been living, then they are taken back. I used to work in Knowsley and we had a young person who had been placed up in the Lakes for many years, and he was moved back when he was 18 because he had no housing priority in the Lakes. He was not street smart; he had no connections in the local area and we spent basically a year trying to get him back into the Lake District. We need that flexibility and we need housing to say, "Right, if you are a care leaver you are going to have priority wherever you live".

**Q91 Apsana Begum:** Who holds ultimate accountability for ensuring children in residential care are attending good or outstanding schools? A lot has been said about local authorities. How much flexibility do they have? Do they not just have to go for what is in front of them and what is available in their areas?

**Mark Russell:** Our whole team spends our time trying to work out which bits of the system would make the biggest impact to change. Ultimately, this boils down to the sufficiency of placements in areas for children and young people that are stable and secure. There is a lack of that. I want to see the Department produce an emergency plan to address the lack of placements around the country.

What happens is local authorities are faced with a situation where they desperately must place a child. They are ringing around all over the place. They find somewhere. I spoke to a Cabinet Member for a local authority recently who said that they tried to place somebody in their local authority and they couldn't, because there were so many out of area placements in that area. They had to go out of area and the whole thing falls apart. There is no national plan for placements in the country. We want to encourage the Department to have a plan that addresses placements. We think that is the first step to try to turn this around.

We also believe that, if a local authority does place a child in an out of area placement, they must have a plan in place to ensure that that child is safe and gets the support that they need. What often happens is they go back to the bottom of the waiting list for all of the services that they were in the previous borough for and it just becomes a vicious downward circle. Sufficiency of placements we think is the first part to solving this problem.

**Patrick Ward:** I completely endorse what Mark said. I would add, in answer to your question, it is the Director of Children's Services who ultimately holds accountability always.

**Q92 Dr Caroline Johnson:** I want to ask about these placements. We talk about when they get the placement as if that is the finish of it. You also talked about the behaviour responses being quite punitive in schools and the effect on the other children and the discrimination that you have



mentioned. How many children get placed in good or outstanding schools only for that placement to break down? We know that residential placements often break down and then children are moved from children's home to children's home. How often do the school placements break down? How often do children end up leaving the school for whatever reason?

**Patrick Ward:** Way too often. Exclusions are too high among children in care and other vulnerable learners. By exclusions I don't mean just the ones who show up on the statistics. A nod and a wink, managed moves to schools, managed moves to pupil referral units, which do not show up as a permanent exclusion, off-rolling—legally or illegally—pressurising vulnerable families to sign education at home orders, to take them off the school books when they are told that they are under threat of an exclusion. When you start to look into this there are a lot of ways of excluding a young person, and it is way too high among vulnerable learners. As I am saying to pretty much every question, there needs to be much more formal scrutiny of these processes.

Q93 **Dr Caroline Johnson:** What support do schools need to balance their duties to the children that perhaps are behaving in a disruptive manner, which is affecting other children's education, but also to ensure that the disruptive child is managed in a way that allows them to engage in education and to receive the best benefit from it?

**Patrick Ward:** We are asking all schools to be attachment and trauma-aware by 2025. That is a call for action that came out of the Timpson report. To do that they need support to become attachment and trauma-aware, so having the right training, the right resources, the right personnel, mentors, mental health professionals, going into the school to support them. Also, less punitive incentivising around their own sanctions. If schools are judged in the way that they are currently being judged, where every single child is a percentage point in their GCSE results, you are creating a huge incentive to exclude children who are not going to be an asset. There is something about that dynamic that fundamentally must change if schools are going to be able to be attachment and trauma-aware.

Q94 **Dr Caroline Johnson:** When trying to find places for children in care that is in a residential home but also in care in a family home as foster carers, do you see any particular difference between the way that they are managed in schools and any particular difference in the discrimination that you have described towards children in care?

**Patrick Ward:** Not between those two, whether they are in residential or foster care particularly, in my experience.

Q95 **Dr Caroline Johnson:** You do not get any difference in education?

**Patrick Ward:** Not in my experience. It depends on the quality of the provider.



Q96 **Dr Caroline Johnson:** Educational outcomes are similar?

**Patrick Ward:** They are not similar, but you are talking about fundamentally different cohorts, children in foster care and children who are likely to be in residential provisions.

Q97 **Dr Caroline Johnson:** You talked about SEND in response to Tom's question and you mentioned about how the pressure on vulnerable families can lead to more likely family breakdown and placement breakdown and unmet need is a problem there. To what extent does early neglect of children, which may ultimately lead them into care, cause problems with their educational attainment? To what extent would receiving more support earlier prevent the problems that we see in the teenage years, noting that 97% of children in children's homes are over 10?

**Patrick Ward:** That is the greatest factor, and Mark has already outlined this.

**Mark Russell:** Early intervention works. We know that in every single area of children's lives. Early intervention works, whether that is mental health support, family support, behavioural issues. In every single area it works. What concerns us deeply is it has been cut by 50% over the last decade. What is happening, the more I talk to local authorities the more they are telling me that the limited resources they do have are going to the crisis end, when children are turning up in A&E or there are major issues going on in that child's life.

That is why we are passionate about making sure, from a mental health perspective, that in every community in the land there is a hub that young people can access immediate mental health support at a very low level, which would stave off a pile of other issues that become crises further down the line. Early intervention works.

Q98 **Dr Caroline Johnson:** However, early intervention is not happening as it should?

**Mark Russell:** No. It is not happening in a joined up, strategic way either. One of the things that we have been pushing the Department for is that we need a strategy for children.

Q99 **Chair:** Yes, when you say you want early intervention and more money put into it, what does that mean? What particular thing are you asking for? Are you asking for family hubs?

**Mark Russell:** There is a mental health crisis in this country beyond children's homes.

Q100 **Chair:** What is your early intervention plan? You say you want more early intervention, but what does that in a nutshell mean in practice?

**Mark Russell:** It means mental health support, family hubs and youth provision, in a nutshell.



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Q101 **Chair:** Youth provision meaning what?

**Mark Russell:** Everything from sports clubs to youth centres, to drama clubs.

Q102 **Chair:** That is not early intervention?

**Mark Russell:** Diversionary activity that helps prevent further issues.

Q103 **Chair:** We are presumably talking about very young children aged zero to five?

**Mark Russell:** It could be family support, for families in crisis who need help.

Q104 **Chair:** Youth centres is not about early intervention, is it?

**Mark Russell:** I would argue that it is.

**Dr Caroline Johnson:** I suppose it depends on whether you define “early” as early in life or early in age.

Q105 **Chair:** Yes, so how are you defining early intervention?

**Mark Russell:** I am defining early intervention as early in the stages of a crisis developing in a child’s life, so I am not talking necessarily about age. It could be early intervention for a 14-year-old or a 15-year-old. It is whenever there are issues arising in a child’s life that, if not met or resolved, will cause further crises down the line. What the numbers are showing is that there are too many children going into care because there are needs that are being unmet.

Q106 **Tom Hunt:** As you have already said, it seems that the link with the SEND provision is incredibly strong. When you are talking about early intervention, surely that must also include trying to get a sense early on, if a young person does have learning disabilities, basically what these disabilities are. Is your view that, if we put more funding into SEND and got SEND right, we could dramatically decrease the number of young people who end up in care?

**Mark Russell:** It is one of the aspects of that, yes. I think that there are a lot of young people who do not get support with SEND early enough, and if we can turn that around that will make a difference.

Q107 **Tom Hunt:** If you turn SEND around, that could make a major difference to improving the life chances of young people in care or young people may not end up in care because they get SEND help?

**Mark Russell:** It is a really important thread of this, yes.

**Hannah McCowen:** I completely support what Mark said around the youth services and the impact that has, in terms of developing young people’s confidence and acting as a low-level emotional wellbeing support as well. That is what is missing. Some young people do not need mental health crisis support but, if they had emotional wellbeing support—and



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going back to the careers' services—when we had Connexions young people could access that, but now you can only access that if you are out of education/employment. It is all those things that made a huge difference.

**Q108 Kim Johnson:** I think we have touched on the question I am going to ask: that 39% of care leavers aged 19 to 21 are not in education, employment or training, compared to 13% of other young people. What steps should the Government take to drastically improve outcomes for care leavers, particularly black care leavers, who are overrepresented in the care sector?

**Victoria Langer:** Some of this is around making sure that there are different opportunities for young people, that we think about whether there are second-chance opportunities for young people and that they are supported, that we do not see this as a linear process but we see ongoing care and ongoing support after the care cliff, after 18, so that we are investing throughout the early 20s in young people.

**Q109 Kim Johnson:** Mark, you mentioned the Josh MacAlister review of social care. Do you see any benefits and positive outcomes from that review, in terms of having an impact on the education attainment of children in care?

**Mark Russell:** Josh's report has not been published yet, but what we do know is we have a case for change. Josh highlighted a significant number of the issues we see from our frontline practice in the system. Josh is right, there is no future that will not cost the taxpayer more. We are working with Josh. I meet Josh pretty much once a month to talk about the issues we are seeing in the system, trying to feed that through.

Direct to your question, I think the Chair's comments around careers advice are important. It is making sure young people in care know the opportunities that are in front of them, are encouraged to step into them and have role models, pathways and coaching to support them.

The reality is that for too many young people the issues they are facing on the 365th day of their 17th year and the first day of their 18th year are no different. The scaffolding that has been around many of them for their lives has suddenly disappeared. We want to see us continuing to find ways to support those young people post-18. We think that young people post-18 should still be able to access mental health support through CAMHS.

I argued with the Minister for Welfare Reform—who is now the Children's Minister—that there should be a flag on DWP records to indicate when a young person has been through the care system, so that a coach from DWP sitting in front of someone can know some of their story. The Minister agreed to our request to increase the housing benefit for care leavers from 18 to 25. That is brilliant, we are really pleased about that.



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There is a package of things we need to do. At the moment, it is a postcode lottery for too many children across the country. We need some sort of standard view of what we want to help care leavers with, to help them be the best adults they can be.

**Q110 Kim Johnson:** Thanks, Mark. In the past 20 months the pandemic has had a massive impact on all young people, particularly in terms of mental health. In terms of children and young people in care, I imagine that it has been quite significant as well. Do you have any evidence in support of any increases over the last 20 months as a result of the pandemic?

**Hannah McCowen:** When we asked our young people—as part of our young people’s forum—what their main priority was coming out of Covid-19 and what they wanted local authorities to focus on, mental health came through overwhelmingly. The feedback from local authorities is that is the number one issue, they cannot get the support they need around mental health.

**Kim Johnson:** We know that support for mental health in young people was crumbling prior to the pandemic. I imagine it is almost non-existent now in terms of long waiting lists for people to access those necessary services and during that time their health and wellbeing is being impacted significantly.

**Q111 Ian Mearns:** This has been touched upon but I think it is something we need to try to get on the record. From written submissions, we know that looked-after children do not always get allocated an education placement in a timely way. What do we need to do to make sure that changes? How do we button that down to make sure that there is a system in place so that children in the care system who need an education placement get it?

**Patrick Ward:** Local authorities need to be properly scrutinised as corporate parents by the relevant authorities to see how many of their young people are not in education—are children who are missing education. There needs to be proper accountability on that issue. Schools need to be held accountable on how many children-in-care admissions they are refusing to accept for no good reason. Then statutory powers have to be used because that is where a lot of the delays are coming from.

The Department should be issuing proper guidance on how section 19 legislation is interpreted by local authorities, so that local authorities are aware of their statutory responsibilities when young people in care from another local authority arrive in their area; another huge source of drift and delay.

The Secretary of State needs a better understanding of the role of 497 directions, which is when the Secretary of State has to become involved in an admission with a local authority to ensure that local authority is legally compliant.

**Q112 Ian Mearns:** What about education and training post-16, do you think



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the age at which local authorities are responsible for youngsters in care should be extended?

**Patrick Ward:** I would welcome that.

Q113 **Ian Mearns:** That is everybody nodding, I take it? Great, thank you very much.

Victoria, the written submission from Become tells us that care leavers who begin an apprenticeship can be worse off than if they are unemployed. What should the Government do to remove this significant barrier and make apprenticeships a destination of choice for care leavers?

**Victoria Langer:** It is about making sure there is parity in terms of the income the young people receive. What they tell us is that, while that might be the right training opportunity, they cannot afford to do it even with a £1,000 bursary. It is about making sure that either a Living Wage or the National Minimum Wage is applied to those apprenticeships.

Q114 **Ian Mearns:** How do we ensure that, when youngsters who are coming out of care or who have been in care go into an apprenticeship, it actually is an apprenticeship?

**Patrick Ward:** You mean the quality of apprenticeships?

**Ian Mearns:** In one.

**Patrick Ward:** It is a reasonably straightforward process. Again, as a corporate parent you take responsibility for quality control so it becomes part of your commissioning process, as it would be with a school. Is the school good or outstanding? Is the apprenticeship provider good or outstanding?

**Chair:** Should the Baker Clause, which says that schools have to invite in careers advice on apprenticeships and UEC colleges and FE colleges to talk to the children about skills' options, FE options and apprenticeship options, apply to children in care and be compulsory?

**Patrick Ward:** It is certainly the case if a care home is also the education provider.

Q115 **Ian Mearns:** Lastly from my perspective—and I did allude to this before—the Department's own evidence acknowledges that the transition from residential care to independent living can feel like a cliff edge. We are talking about some of the most vulnerable young people who have had traumatising experiences. They get to a particular age and, all of a sudden, we cast them adrift. Surely that has to be stopped, changed and improved in every way imaginable.

**Hannah McCowen:** We have eight pilot areas with the Staying Close project, which is support for young people as they have moved out of residential care. Those have shown improvements around education, employment, training, sustaining tenancies and health and wellbeing. We need to see that rolled out as soon as possible across the board.



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Q116 **Ian Mearns:** In a previous iteration of this Committee, we did an inquiry about youngsters in care. We visited places in coastal towns where there seem to be significant concentrations of youngsters gathered, places like Margate, for instance. Nothing against Margate but it is not the children's home area. There are an awful lot of London boroughs, for instance, placing youngsters in a place like Margate. It seems to me that the main driver of that was the cost of property in order to house children. If we are going to treat these youngsters with the care they deserve, we have to do something about making sure they are housed closer to where they come from.

**Patrick Ward:** Absolutely right. That is the point I was trying to make earlier about sufficiency of placements. It appears that too often the system is tilted in favour of the provider and not in favour of the child and we would like to see the balance of that shift.

To address your earlier point about jobs and apprenticeships, ultimately, if you have come through the care system, been passed around the country in so many different ways and not had consistency of support from the same adults for any more than a few months at a time, it ought not be a surprise that you do not have the confidence or the self-esteem to believe you can achieve these things and you could go and do that with your life. That is why we need a full change in how we see our system. We need to be investing in these children, to help them believe they are full of talent and skill and could do all kinds of things with their lives that many of them do not believe they can.

**Ian Mearns:** That places a significant pressure on the schools in an area like Margate, for instance, in terms of educating children and making sure the education they offer them is appropriate.

I remember, Chair, we were talking to a local authority councillor from Kent about the pressure from that. She was saying they were even getting children placed in Margate from up north. I said, "Where would that be?" "Peterborough".

Q117 **Tom Hunt:** In terms of those figures of for 19 to 21 year-old care leavers 39% not being in education, employment and training compared to 13% of young people, are there any statistics to hand about how many end up in the criminal justice system, how many end up in prison?

**Patrick Ward:** I do not have those numbers to hand, I am afraid.

**Mark Russell:** I believe there are but I do not have the exact number here. I am reasonably sure you could find that.

**Hannah McCowen:** What we do know is that about one in four in the criminal justice system have been through the care system.

Q118 **Tom Hunt:** Also, one-third to 40% have learning disabilities?

**Hannah McCowen:** Yes. We are currently doing some work with the Youth Justice Board around the over-criminalisation of young people. We



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are trying to bring in a protocol there. We have been working with young people who have a record on the DBS for criminal damage for breaking a mug in a children's home. There needs to be something that is, "Hold on a minute, before you call the police what are you going to do?" and that if the police are called it does not just go through.

Q119 **Tom Hunt:** About 25% of those in prison have been in care. What is the national average of young people in care?

**Mark Russell:** We can find these things out.

Q120 **Tom Hunt:** This goes to your point about early intervention and I have often thought it in relation to SEND funding. Do you think there is a big problem here that goes towards the heart of Government, and potentially the Treasury as well, about a lack of big-picture thinking when it comes to spending versus investment with a longer-term view and seeing the benefits of spending money upfront to try to prevent these sorts of things from happening?

**Mark Russell:** It goes slightly further than the terms of reference of this particular inquiry. The Children's Society and I believe Government need a plan for good childhood. Often Government see children as patients, prisoners and pupils. What we need to do is have a plan for what good childhood looks like, which involves putting investment in to try to prevent rather than cure.

Q121 **Chair:** I have always believed that, just as the NHS has a long-term plan, education should have a long-term plan and a secure funding settlement. You can argue what that funding settlement should be but education should be treated the same as health.

**Mark Russell:** I could not agree more, Chair.

Q122 **Kim Johnson:** Thanks, Chair. To go back on that point, I think Sure Start used to meet the needs of those communities back in the day but, sadly, funding was not continued.

However, my question to you is about the sector being very fragmented, like the adult social care sector, with local authorities spending a great deal of money to have children looked after by the private sector. I want to ask you whether you think in-sourcing children services back in-house would prevent a lot of those issues, provide greater levels of accountability and get away from a postcode lottery.

**Patrick Ward:** Absolutely. Of course, we are struggling with London property prices but it is a long-term plan in my local authority to do exactly that and create our own sufficiency. In the absence of what Mark has, quite rightly, identified should be the national placement strategy and a national conversation about sufficiency, many local authorities are trying to model that practice and are being successful.

Q123 **Dr Caroline Johnson:** You have painted quite a gloomy picture in which children move from placement to placement and struggle to get into



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schools, as they are discriminated against because they are in care. What I do not have from this morning is a sense of whether that is getting better or worse with time and whether that varies from area to area. If it is getting better or worse, what do you think the main driver of that is?

**Patrick Ward:** Again, we are hampered by the lack of good data. There is no national data to answer your question properly. I am aware of a lot of sector data and I would say it is asymmetrical and varies depending on how robust the local authority is in enacting its statutory duties in this area.

There is no existing data set to confirm or deny that hypothesis. However, if you look at individual data sets, individual reports in local authorities, you could get an indication of how it was going and that it is better in some areas and less well in others, like with many of the things we have discussed today.

Q124 **Dr Caroline Johnson:** Over time, do you consider it is getting better or worse?

**Patrick Ward:** The data is not there to support that because it is not being measured.

**Mark Russell:** Except the fact that we know there are more children in care and that number is increasing significantly as each year passes.

To pick up the point in relation to costs, we need to be aware as well that the National Insurance rise will kick in next year. That will affect every children's service provider in the country. However, I am yet to hear whether any of that resource will come back into children's social care. We think most, if not all, of it will go into adult social care. Therefore, there will be a subsidising of adult social care from children's social care if we are not careful from next April.

To put this bluntly, a 'back of the fag packet' number from the four biggest children's charities is that we are looking at a £4 million to £5 million cost for the NI rise, which will come out of the money we have raised to help children.

Q125 **Chair:** When you have spoken to the Government about this—presumably you have already raised this—what has been the response?

**Mark Russell:** I have not had a reply yet.

Q126 **Chair:** Does anyone else have any questions? I have a couple of final questions. On the placement issue: the figures I have suggest that every additional change of care placement at age 11 is associated with one-third of a grade less at GCSE. In years 10 and 11 those kids who are in care and change school score over five grades lower than those who did not. What is the answer to this, apart from having fewer placements? Is there anything else that should happen? Clearly, given the statistics, school moves or placement changes have a massive effect on their



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academic attainment, which means it has a massive effect on their future life changes as well.

**Mark Russell:** Yes, is the answer to that. Absolutely, yes. That is why we are arguing strongly for fewer placement changes. If a young person is having significant episodes of placement breakdown, it is to try to understand why that might be so we can get under the skin of that and then try to make it better. Ultimately, it is about stabilising placements and helping young people feel secure. That will help them thrive better educationally.

**Hannah McCowen:** We also need a choice of accommodation. At the moment young people are placed where there is a place, wherever it is in the country. We need to be able to say, "This young person's needs are this. They are going to fit in here". Speaking to young people, they said it depends on which other children are in the children's home. Local authorities cannot take that into account at the moment because it is just about where there is a vacancy.

**Patrick Ward:** Mark and Hannah have covered the issues. The only thing I add is that local authorities should be heavily discouraged from moving schools when a placement moves. Often they do it because they maybe do not want to fund a taxi, there is an inconvenience around it.

Q127 **Chair:** If a placement, let's say, is moved in Essex, for example—or in my constituency from Harlow to Epping—how often does the school change when those sort of things happen, do we know?

**Patrick Ward:** There are no effective statistics on it. I report those to Ofsted whenever I have an ILACS. What you should be saying is that, if there is a school move, it was only because it was in the interests of the young person and not because of logistical difficulties with the local authority paying for a taxi, for example.

Q128 **Chair:** If kids are getting five grades lower from school moves—the statistic is terrible—would a local authority be thinking, "We know this happens" so therefore the virtual heads, or whatever, will be doing everything possible not to move the child from school to school?

**Patrick Ward:** Where the Virtual School Head has the required status within the local authority I would say it rarely happens. Where they don't I would say it happens regularly because there is no one centrally planning for that type of issue.

Q129 **Chair:** The local authority would not be thinking of that. They are just thinking of finance and logistics, is that what you are saying?

**Patrick Ward:** I think that happens.

Q130 **Chair:** No one would be thinking, "This is going to damage the child's chances", they are just thinking logistics and finance?



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**Patrick Ward:** People would be thinking that but without someone strategically planning for that those issues get lost.

Q131 **Chair:** I am going to ask about what is going on at the moment. When children move school it is basically down to logistics and resource?

**Patrick Ward:** I think in some cases, yes.

Q132 **Chair:** People—whether that is the DfE, local authorities or academy chains—are not thinking, “If we move this kid, that kid is going to suffer”?

**Patrick Ward:** There is no evidence that strategic thinking is happening across the board.

Q133 **Ian Mearns:** Chair, at the moment, it is the Director of Children’s Services who is the accountable person. However, it seems to me that it is at the discretion of each local authority in terms of what they do in relation to the minimum requirement of looking after the interests of these children. Do you think, therefore, we need statutory legislation with much more robust minimum requirements of local authorities in the future?

**Patrick Ward:** Absolutely.

Q134 **Chair:** I do not understand why there is such a thing as unregulated provision. I genuinely do not get, in any shape or form, how it can be allowed that I could suddenly decide tomorrow that I want to set up, in essence, a care home for children. It would not be a care home as such but you know what I mean. Should that stop immediately?

**Patrick Ward:** Yes.

Q135 **Chair:** There should be no such thing as any unregulated provision for vulnerable children such as this?

**Patrick Ward:** Yes.

**Hannah McCowen:** Yes.

Q136 **Chair:** Why is it allowed? Why do we have a situation—

**Mark Russell:** You might need to ask the Department for Education that. We believe, passionately, that we should be placing children in places where we know the standards, we know it has passed certain levels, we know the staff have DBS checks and we know those young people are going to be safe. We, at The Children’s Society, have been passionate advocates for the regulation of unregulated accommodation for a long, long time. The only caveat I put on that is that if we just do the regulation piece without addressing the sufficiency piece then what we may end up with is a shortage of placements all together. Those two things have to go at the same time.

**Chair:** Absolutely. Do any of the others want to comment on that?



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**Hannah McCowen:** I agree with what Mark is saying. Feedback from local authorities is that some unregulated accommodation at the moment is excellent and some of the children's home provision is worse. We welcome the standards. As I said before, I am concerned about it stopping at the age of 18, it needs to continue above that age as well.

Q137 **Chair:** It needs to have common standards but should not be unregulated.

**Hannah McCowen:** Yes.

**Patrick Ward:** In terms of the unregulated schools, they should never exist as a child's primary education provider. They can play a vital role as a supplementary education provider to deliver a specific skill as part of a proper plan. The reason it is happening is because it is convenient and it is a way for local authorities to avoid that difficult conversation and push back with schools.

Q138 **Chair:** Do you want to say anything finally, Victoria, or are you okay?

**Victoria Langer:** I agree with Mark, we need to ensure there is that regulation right across the piece and that there are standards. We think it is easy to adapt the existing standards to apply across the board.

**Mark Russell:** One final point, when you mix the unregulated piece with the out of area piece then you have the worst possible situation for a vulnerable child.

Q139 **Chair:** What do you mean by that, sorry?

**Mark Russell:** What I mean is that, if you have a young person from Kent being placed in a local authority accommodation in Carlisle and that accommodation is unregulated in Carlisle, what you have—what our services show and our practitioners tell us—is that young people are at much higher risk of being exploited by criminal gangs, sexual exploitation and so on. The regulation piece and the out of area piece together make a toxic mix for too many young people in care.

**Patrick Ward:** Absolutely.

Q140 **Chair:** Are there statistics of how many children in care move schools or not?

**Patrick Ward:** Not effective statistics, no.

Q141 **Chair:** One thing that has come out of this session—which I find quite incredible—is that there is so little data collected by the Department for Education. It is appalling.

**Patrick Ward:** The methodology is wrong. Different data sets are not being co-ordinated.

Q142 **Chair:** Extraordinary. When there is out of area placement sometimes people have said to me that it is better they go out of area so they are



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not in contact. What do you say to that?

**Mark Russell:** There are occasions when that is right but that is because we believe at the heart of the system it should be child-centric and the interests of the child should be central. It may well be there are very good reasons why a child is placed out of area but that ought to be for safeguarding or child protection reasons, it ought not to be because there is no accommodation locally or because it is the cheapest option.

Q143 **Chair:** What you are saying is that it goes back to the question that a lot of it is because of resource rather than what is best for the child?

**Mark Russell:** Putting the child at the centre of the system and their interests first, those kinds of questions become clearer.

Q144 **Kim Johnson:** I will pick up the point, Patrick, you raised about the methodology. I want to know whether you have raised those issues directly with the Department and, if so, what response you have had and whether you could send us some questions that we can maybe take forward as a Committee.

**Patrick Ward:** Very happy to. I have raised it since becoming chair. I have had a positive response. It is a standing item in my conversations with them at director level. They are very aware it is an issue. I hope they are taking it seriously. I am happy to provide you with any information you need to support that.

**Chair:** Thank you very, very much, all of you. It has been a really informative session. I am so grateful to you and for the work you all do in your respective fields. I wish you well.