



Education Committee

Oral evidence: [16+ care options](#), HC 1033

Wednesday 30 April 2014

Ordered by the House of Commons to be published on 30 April 2014.

Written evidence from witnesses:

- [Professor Mike Stein](#) (16P0001)
- [Every Child Leaving Care Matters](#) (16P0004)
- [Marie Tucker](#) (16P0006)
- [The Who Cares? Trust](#) (16P0012)
- [YMCA England](#) (16P0020)
- [Catch 22](#) (16P0026)
- [The Association of Directors of Children's Services](#) (16P0031)

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Members present: Mr Graham Stuart (Chair); Neil Carmichael; Alex Cunningham; Bill Esterson; Pat Glass; Ian Mearns; Caroline Nokes; Mr Dominic Raab; Mr David Ward; Craig Whittaker

Questions [1-154]

Witnesses: **Ben Ashcroft**, Author of 51 Moves, Care leaver and member of the Every Child Leaving Care Matters campaign group, **Natasha Finlayson**, Chief Executive, The Who Cares? Trust, **Professor Mike Stein**, Social Policy Research Unit, York University, and **Marie Tucker**, Independent Consultant, specialising in commissioning for children in care, gave evidence.

Q1 Chair: Good morning, welcome and thank you very much for joining us on this lovely-ish spring morning. As you know, we are discussing 16 Plus Care Options, so what happens to children after they reach their 16th birthday who have been or have come into care. How much of a concern is it that young people continue to leave care at as young an age as 16 or 17?

Professor Stein: Young people who leave care early have the poorest outcomes of people in care. Generally, they fall into three groups: there are those young people who have a very unstable care career—they move around the system; they leave very early and have not got any attachments. The outcomes in terms of education, employment and well-being

are very poor indeed, because that group tends to continue to move. What would help them would be high quality stability: good quality placements whilst they are looked after. That is one group. There is a second group who are often settled in their placements, whether it is a children's home or foster care, but there is an expectation sometimes that they will leave care from 16, 17 or 18, and, although they are settled, that pressure is very unsettling and can disrupt their education and employment. They sometimes then break down and leave the placement.

There is a third group who have very poor outcomes as well. They are young people who are not looked after but are homeless under Section 20 of the Act and the post-Southwark judgment. There is evidence that they tend to find themselves in poor quality accommodation, including bed and breakfast. Research tends to show that local authorities find it very difficult to find and maintain good quality accommodation for that group, although there is variable practice. So leaving care early, at 16 and 17, is generally very bad news. It is poor news. Although there are exceptions, the outcomes generally are very poor.

Chair: Thank you.

Ben Ashcroft: Last year, 9,900 young people left care. 16% were 16 years old and 15% were 17 years old. To me, that is far too young for people to be moving out, considering that 62% of young people come in to care because of abuse or neglect. People generally think that children in care are naughty but only 2% of young people get admitted to care for socially unacceptable behaviour. Some of these young people been through previous trauma; some have had a troubled life and then at 16 and 17 they are expected to move out. Most parents would be concerned about leaving their own children at home for a weekend at 16 or 17, not expecting them to go out and have a tenancy. They are not even old enough to vote. It needs to change, and quickly.

Chair: Thank you.

Natasha Finlayson: It absolutely is a concern, without a shadow of a doubt. Far too many young people are leaving care aged 16 and 17 and they are not ready; they say they are not ready. They know they are not ready. Some of them think they might be ready because they are not happy in the care placement and would rather be somewhere else. Often they then change their minds and want to come back. It is very important that we look at the right to return to care.

Leaving care before the age of 18 should be the absolute exception and not the norm, as it is at the moment. As you have heard, about half of children in residential care leave care at 16 or 17. Anyone with a child of that age, or who has had one, will know they are not ready to live on their own. It is not just about the practical life skills but the emotional readiness to cope on your own. As I am sure we will hear, the places to which they go are not, on the whole, suitable as places where they can mature into young adults and fulfil their potential.

Q2 Chair: Thank you. Marie, anything to add to that?

Marie Tucker: Thank you. I will echo what my colleagues have said. There is also another point that young people who are forced to leave care early are not able to reach the same level of outcomes that they have the potential to reach. There is a cost to the public

purse, in terms of whole life costs. Young people, as Michael said, are more likely to end up in the criminal justice system; they require mental health services and get involved in criminal behaviour. That additional cost could be mitigated if we invest.

Q3 Chair: You say they are forced to leave care early.

Marie Tucker: Yes, I think some young people do feel forced to leave care. Certainly.

Natasha Finlayson: Absolutely.

Professor Stein: If there is an expectation, it becomes very unsettling. As I say, some of those young people have settled in their children's home or in their foster care placement, but there is a pressure. They are forced in the sense that there is a context of pressure and expectation.

Chair: We will come back to that and talk about that in a minute.

Q4 Mr Ward: One of the things we were talking about—or certainly I was saying—before you arrived was the difficulty in distinguishing between things that were simply wrong with the system, like a lack of legislation and guidelines, and things that were wrong because they are just done poorly in different places. Just think of those two elements when answering questions. As a starter, there is an Act that requires that a pathway plan be prepared for all eligible children, relevant and former relevant young people. If that is in place, what is your perspective on how effective pathway planning is?

Natasha Finlayson: Far too often it is very ineffective. It should be a useful and important tool. The legislation sets out that a young person has to be centrally involved in preparing their own pathway plan, talking about their hopes, dreams, plans, and ambitions for their life, but far too often that does not happen. The All-Party Parliamentary Group for Looked After Children and Care Leavers, which my charity clerks, ran the Entitlements Inquiry for six months last year. One of the key findings was that only 50% of care leavers said they had been given a copy of their pathway plan. It is a legal requirement for them to have a copy of their assessment and their pathway plan. Around 70% knew that they were supposed to have a copy, so there is a huge issue about young people's lack of involvement in the pathway plans.

There is also a big issue about the quality of those plans, far too many of which are just a short narrative about the child's situation, often with a focus on their financial situation, and far too many do not address all the points that are set out in the regulations, which are very detailed, as I am sure you know, about all the things that are supposed to be included.

I remember, when those regulations were being drawn up, that a lot of thought went into them; if workers stuck to that document, it would be a useful guide to a child's needs and how the local authority is going to meet them. We have spoken to young people who said things like, "My pathway plan is a waste of paper. It's a waste of a tree, and they may as well have let the tree live longer." One 20-year-old said, "I haven't seen my pathway plan since I was 18, even though I asked for it to be revisited so I can look at other options I can take with not being able to go to university." There were mixed views. Some young people absolutely said it was a useful document and that it was helpful at their reviews.

They could come back to it and say, “Hang on, it says here I’m supposed to be getting this but I’m not.” Others felt it did not accurately reflect their views and ambitions.

Q5 Chair: Thank you. Perhaps I should have said at the beginning. We do this all the time: we assume that other people know what we do. We are a cross-party group of MPs and our job is to scrutinise the Department with specific inquiries, such as this, and to take written and oral evidence. The business-end of what we do is to produce a report with recommendations to Government. One of the things I should remind myself to say in sessions like this, particularly to well-informed panels like this, is that if you have specific recommendations for change, to improve the system, please make sure you communicate those to us. I was just listening to you then, Natasha. It is useful not just to have an analysis of the problem but any thoughts about what recommendations you would like to see this Committee make to Government as to how the system could be made more likely to implement the regulations, which you said were carefully compiled.

Q6 Mr Ward: Mike, before you respond, can I ask you to add in to that the timing? We heard from young people that starting at 16 was really too old. I do not mean that it should start from 16, but the preparation for it should be well in advance of the 16th birthday.

Professor Stein: There should be a seamless transition from the care plan to the pathway plan. With most of the authorities we work with, most young people tend to start work on the pathway plan at 15; the work should build on what has gone before. Research shows that there is variation in quality. A lot of young people initially complete a pathway plan but it drops off. A far lower percentage have their plans reviewed, which they want, and that drops off. There is also quite a bit of dissatisfaction with the implementation of the plan.

I am currently working with a local authority on developing a pathway plan app, because one of the biggest flaws is that the materials do not engage young people enough; they are not young-people centred, for reasons that have been suggested. I am working with an authority looking at an electronic version of a pathway plan on an app basis. There is a group of eight young people and we are seeing if we can develop something that is user-friendly. All those eight young people say that the current materials do not engage them; they use that ubiquitous word “boring”, but it says a lot. They were not young-person friendly materials in the way they were phrased; you would have to be almost a lawyer to understand the way they were structured. My recommendation would be that we need far more young person-centred plans.

Q7 Chair: Thank you. I am going to be brutal, as we have very limited time and quite a lot to get through.

Marie Tucker: If I could make a recommendation, it would be for clarity over the role of the personal adviser. At the moment, we have young people in residential care who are very well supported by excellent and very effective key workers, and residential care managers and social workers. They will be feeling very confident over the way in which their care plan is moving forward, and suddenly the local authority, which has interpreted legislation, I think, as believing they have to provide the personal adviser, will then introduce a new person into that young person’s life; that person then takes over the role

of personal adviser. That is very difficult for a young person in care, who suddenly has to try to explain everything to a new person they do not know, whereas they would be quite happy, and actually prefer, for their residential key worker to be their personal adviser. That would be a lot more effective, because all that happens is that the local authority officer ends up talking to the young person's key worker and then writing down what they are saying. Having a personal adviser role would create significant efficiencies in the system, because you are just duplicating roles here when you have got really effective residential key workers who could do the role extremely well.

Q8 Bill Esterson: Are residential key workers a stable enough part of the workforce for that to be a very strong model?

Marie Tucker: I will be honest: my knowledge of workforce stability is not that great.

Natasha Finlayson: Not many of the workforces are stable.

Marie Tucker: In some areas, they are.

Q9 Mr Ward: We have just combined other parts of this preparation for semi-independent living, of which the pathway is obviously should be a crucial part. Do you believe that the preparation for that semi-independent living is good enough and what needs to be done to improve it?

Natasha Finlayson: In terms of them having life skills?

Mr Ward: Yes.

Natasha Finlayson: No, it is woefully inadequate and, again, the picture is very mixed. In some local authorities, some workers are doing really good work, and I mean across placements, not just residential care, but in others it is almost absent. We do lots of events with young people when we consult them about different issues, often to do with leaving care, and we will ask them to give a vote by raising their hands. For example, we ask things like how many of them have had any cookery lessons and how many have had training to manage money and finances. Normally about two-thirds to three-quarters say they have had no support at all around those skills. We run life skills for care leavers, as lots of organisations do; we do that because there is a huge gap as care leavers do not have those skills. Money management tops the list of things care leavers say they have had no help with.

Professor Stein: One of the problems is that skills are learned in certain situations when people are in their placement. There is very little transfer of learning. People are learning in advance in quite a protected situation, which is fair if that happens in families, but then the opportunity and support around those very important skills, such as budgeting and self-care, is lost. Young people are not assisted when they move out to new accommodation and it all falls flat. I would recommend a greater emphasis on the transfer of skills when young people move on to independent situations.

Q10 Chair: Ben, do you have any thoughts on that?

Ben Ashcroft: No, not really.

Q11 Chair: I am just trying to tease out what we could do about it. What would be the best tool to bring this out? To what extent do we use surveys of young people and their satisfaction as a way of holding local authorities to account? They might go through the motions and in terms of organisation they might look the same as another authority, but the experience of young people is completely different in terms of the genuine inculcation of skills, for instance, so they can cope in their own flat and cook a meal.

Natasha Finlayson: It is an incredibly important tool. The picture you get of what local authorities, or foster carers or residential workers, are providing looks very different indeed across the board when you ask young people about what they are actually receiving. The Children's Commissioner, in her new, enhanced role, is going to continue the Care Monitor that the Children's Rights Director used to do, so it is important that there is an emphasis there on talking to care leavers as well as people still in placement, to understand the level of preparations.

Q12 Chair: To what extent has that happened to date?

Natasha Finlayson: The Children's Rights Director used to do the annual Care Monitor, which was a huge survey of children and young people in care. That will now be continued.

Q13 Chair: What about children who have left care?

Natasha Finlayson: At the moment, they are not included in it.

Professor Stein: The Children's Rights Director's report has included care leavers in surveys over the years. It is very important that that research with young people's views is continued by the Children's Commissioner. I hope it will just be a transfer.

Natasha Finlayson: They have made a commitment to continue doing the Care Monitor, but we need to be looking at the experience of young people after they have left care and tracking them.

Professor Stein: There were specific studies of care leavers within the Care Monitor, or separate studies that got into the Care Monitor.

Q14 Chair: Does that provide a broad picture of experience rather than a local-authority specific measure that you could use for accountability purposes and say, "Look, you are in a category of local authority that is clearly not preparing young people for leaving care sufficiently, so we therefore insist you do something about it," and try to get some teeth into it?

Professor Stein: It was more advisory of young people's views than as specific as you are suggesting.

Natasha Finlayson: The new Ofsted judgment specifically on the experience of care leavers should make a positive difference when it is brought in, because local authorities should be held to account for the preparation they are giving care leavers.

Chair: Thank you.

Q15 Ian Mearns: As part of this inquiry and the work of the Committee generally, we have visited a number of settings and local authorities and met a number of young people in care settings and youngsters who have gone through the leaving care pathway. Unfortunately, quite often the experience of individual young people is in stark contrast to what local providers claim is the experience for them. I think that is fair enough to say, Chairman. Do you think there is a culture of moving looked after 16- and 17-year-olds into semi-independent living arrangements, regardless of their support needs, and do you see that happening with, for instance, the use of bed and breakfasts, where there is minimal supervision or support?

Professor Stein: As I mentioned at the beginning, there are three groups. There is a stable group who are expected to leave, and that would be greatly assisted by the extension of Staying Put in all placements until 21, because they are in stable placements.

Q16 Ian Mearns: Why 21?

Professor Stein: It could go beyond 21 if you want to make it consistent with the leaving care legislation, which provides support up to 25. I also note that the Government's proposals in relation to the education, health and care plans, replacing statements, provide support from birth to 25. There is a recognition that transitions to adulthood are taking place over a longer period of time. At the moment, as Ben mentioned, we are talking about young people leaving at 16 and 17, so the extension to 21 to make it consistent with the Staying Put provisions for foster care would be obviously very welcome.

Q17 Ian Mearns: It seems to me that we have to take the role of corporate parents seriously. An ordinary parent who has the means to do so would not abandon their child once they had reached the age of 18, 21 or any other age.

Professor Stein: Now the main pattern of leaving in European countries is from the mid-20s to the early 30s. A quarter of young men aged 32 were still living at home in England in the last ONS data study. They leave gradually. This is not good news for anyone who has got grown-up children and is one of the reasons I have white hair. That pattern is increasingly later, so the contrast, as I think Ben mentioned right at the beginning, with leaving and trying to cope with normative transitions at 16 and 17 is enormous.

Natasha Finlayson: It is the environment into which people are being put. B&Bs are not suitable accommodation under the law. Nobody would think they were.

Q18 Ian Mearns: Well, why do they end up there?

Natasha Finlayson: Because local authorities struggle with having enough provision available. I think that some of the people making these decisions just do not care enough

about where they are putting young people. They need to get them off the books and they use a certain language. They write to young people to say, “Your case is closed.” They see young people as a case rather than as human beings and just need to get them away. If you look at homeless young people—Mike was talking about 16 and 17-year-olds—recent research showed around 8% are being placed in B&Bs, and not just temporarily. It is not just B&Bs; it is hostels and semi-supported accommodation.

Q19 Ian Mearns: We have seen a range of things where, frankly, the experience of individual young people has been patchy to say the least.

Natasha Finlayson: There are some absolute horror stories of really unhealthy, unsafe places with unsafe adults.

Marie Tucker: There are real practical difficulties with children’s homes providers supporting young people to move out into independent accommodation. For example, if you had a young person with mild learning difficulties who took medication and was ready to move into their own accommodation, it is not about the bricks and mortar. What is going to make a big difference is the consistency of relationships. Ideally you need the staff in that residential children’s home who know that individual inside out to be able to continue to work with them in the community.

But then we have a problem that, because they would be prompting and reminding that young person to take their medication, they would need to be domiciliary-care registered, which is another whole issue and problem for a children’s home provider then to have to become domiciliary-care registered for just one individual child. We need a change in legislation so that children’s homes providers can automatically work in the community with young people who have moved out into their own independent accommodation, and do not have to go through a domiciliary care registration. That is one of the recommendations I would make, as it has been a barrier.

Ian Mearns: I would just say to Professor Stein, if you have young adults or young children who are not taking the hints, sometimes you can drop broad hints like changing the locks.

Chair: Ben wants to come in, I think.

Ben Ashcroft: Bed and breakfast is not appropriate or adequate for young people. I know a young person I was working with not so long ago has been in a bed and breakfast for six or seven months. Not only that, he got moved a couple of hundred miles away from one area to a new area, and he has just been just left there. It is not on; it is not good enough. How we should be treating these kids is that, if it is not good enough for own kids, it should not be good enough for kids in care. Once that attitude changes, we will see real progress. Until then, I do not think we will see progress.

Q20 Ian Mearns: Does everyone broadly agree with Professor Stein’s categorisation of youngsters into three broad categories?

Marie Tucker: Yes.

Natasha Finlayson: Yes.

Ian Mearns: Given those three broad categories, do you think that decisions to move 16 and 17-year-olds into other arrangements tend to be led by the young people, their carers or local authority resourcing needs, or a combination of all those?

Professor Stein: In different circumstances all three apply. I do not want to be repetitive but I think we have to have a change of culture about those young people who are settled in their placements, whether they are children's homes or good quality supported accommodation. Ben made a very good point. We have to think not about leaving care but care to adulthood. That has major implications for the models of residential care that we need, and probably the model for foster care. You very rarely see an advert saying, "Will you care for this young person into adulthood?" The emphasis tends to be on caring for younger children. There will have to be a shift of focus, and this will have implications for staffing, training and for how we see the role of residential care, and foster care to some extent.

Q21 Ian Mearns: The fact we have arbitrary ages at which we move young people on, regardless of their individual maturity to do so, seems perverse, frankly. Individuals' capabilities might be very different between, say, 10 different 16-year-olds or 10 different 18-year-olds. Individual personal maturity in terms of their ability to progress has got to be the judgment, surely?

Natasha Finlayson: It is about meeting the needs of the individual, not making decisions based on the child's age or their legal status. As everyone says, would we do that for own children? Of course we wouldn't. It is often the children with the most complex needs who most want to leave care, probably not for the right reasons but because care has not served them well, and it is those young people who perhaps need it more than others. All young people need to be encouraged, enabled and empowered to be able to stay in secure settings until they are ready to move on.

Chair: Thank you.

Ben Ashcroft: The needs and wishes of young people should be the key deciding factors in all of this. We need to start involving young people a lot more. I understand that pilots take place but not enough young people are involved. Very limited numbers are involved.

Q22 Ian Mearns: There is a caveat there, though, in that young people, like everyone else, have the capacity to make mistakes; therefore, there has to be a fallback position for young people who are involved in their own decision making but who make a mistake.

Ben Ashcroft: Exactly. You have to take responsibility for your own actions at times. That is totally right.

Q23 Mr Raab: I am just moving on to a slightly more specific aspect: the quality and safety of transitional accommodation for 16 and 17-year-olds. Can you identify your top, most serious concerns about the quality and safety of the accommodation currently on offer? This is open to anyone.

Professor Stein: The lack of regulation. Clearly, foster care children's homes are regulated accommodation under legislation, but alternative supported accommodation—

Q24 Mr Raab: Can I just stop you there? What I am trying to get at is, if you look at tangible accommodation, what are the defects in terms of safety and quality? Give us some meat on the bones. We will come on to the regulatory aspect.

Professor Stein: In effect, we are saying that bed and breakfast is defined as unsuitable accommodation.

Q25 Mr Raab: Yes. What is missing there for a young person? I know it may be obvious to you, but just so we can flesh it out a bit more—or other types of accommodation.

Natasha Finlayson: Lack of safety is probably the top concern raised by young people, so being around a hostel, say, with other young people, many of whom are drug users and have multiple issues that mean they are not a good influence or safe to be around, and being placed with very unsuitable adults in B&Bs and hostels, so paedophiles and drug addicts and so on. Again, would you want that for your own child? No, of course not.

Q26 Mr Raab: So the first thing is the pool of people they are moved in with. Any other things?

Professor Stein: Location is important. Some young people's education is disrupted because they are placed a long way from their college or from their work. They want to be where they can get to work and college and maintain any positive links they might have with their family network, with grandparents, uncles and aunts, so the location is absolutely critical.

Q27 Mr Raab: And presumably transport to and from.

Professor Stein: Transport, facilities such as leisure facilities—all things that can help young people maintain a positive approach to life and help them to maximise their education and employment opportunities.

Q28 Mr Raab: Any other specific concerns like those two?

Natasha Finlayson: Young people talk a lot about the cleanliness of where they are. Vermin comes up a huge amount in young people's negative accounts of this type of accommodation and it not being dealt with when they complain about it and nobody listening. Things not working—a cooker that did not have a handle so the young person had to open it from the inside, which was not safe, and, again, nobody listened. Anecdotal stuff like that that comes up all the time.

Q29 Mr Raab: When people go from care to a B&B or something else, what about the number of things they are expected to do for themselves that were being done for them before. Is that an issue, or something they relish?

Marie Tucker: It varies very much from individual to individual. One of the huge problem areas is how children come into care in the first place and the expectations of a placement or the purpose of a placement. Unfortunately, a lot of young people are placed, particularly in the independent sector, in places on a temporary basis whilst the local

authority is considering whether it can move them back into in-house services or can move them from residential to fostering. A lot of it is resource-driven, I am afraid. I will say that.

Mr Raab: The transient nature of it as well.

Marie Tucker: Because young people feel they are in a temporary placement, they find it very hard to make attachments to the staff they are working with, and without making attachments to their staff or their carers, they will find it very difficult to engage in programmes of independence and learning. You have young people who do not build up those trusting relationships to learn how to use dishwashers and how to cook—to do some of the basic things in life.

Q30 Mr Raab: Moving on to a point touched on by Professor Stein, in terms of inspection of this kind of transitional accommodation, what is the nature, quality and regularity of it?

Professor Stein: It is very variable. It is generally poor compared with regulated accommodation. My recommendation would be for a thorough review of the way supported accommodation and alternative accommodation is regulated.

Q31 Mr Raab: I am sorry. I am trying to be really specific to get step by step what the picture is for us as policymakers. Can you just identify some of the defects? Is it that there is a lack of comprehensiveness, of quality or of regularity of the inspection regime?

Professor Stein: Probably all those things. Ian Mearns made the point about people ending up in bed and breakfasts, which is a totally unregulated market. There are no police checks, as there are on people who look after young people. As you say, things like location and safety and the points that Natasha and Marie have made. You have to have a system of regulation. Ben put his finger on it: would this be good enough for your child?

Q32 Mr Raab: Can I put it another way to all of you? Where is an example of good inspection practice that others need to draw on?

Professor Stein: There has been some good practice in relation to where foster carers are transferred into safe, supported lodgings, where it is a seamless transfer. They have had police checks. They are known by the authority. They are visited by personal advisers. There are examples such as that.

Natasha Finlayson: It is a question of who the regulatory body is. I think it ought to be the same body that inspects children's homes, i.e. Ofsted, because supported 16-plus accommodation is classed as social housing, so it is not Ofsted; it is the Homes and Community Agency. As I am sure you know, they are not required to look at the nature of the support and safety that the young person is experiencing.

Q33 Mr Raab: You may well all have different views, but is one thought to look at whether Ofsted should take the responsibility for it?

Natasha Finlayson: Yes, that is what we would recommend.

Marie Tucker: I would like to add to that. In the old days, we had registration inspection units, where the local authority would be the commissioner and the inspector of services. The inspection function is now independent and separate from local authorities. We do not have a clear understanding of the relationship between Ofsted and the local authority commissioning teams, so Ofsted will go out to a new provider, register them, put them through a vetting process, to make sure that that provider has all the qualifications for the standard they need to be a provider, and then suddenly we have the local authority commissioning teams, which go through a whole tender process and ask the provider the exact same questions because they have to go through their tender process. It is really unfair and difficult for providers to respond to both. Our commissioners and Ofsted teams are not very clear about where they can rely on each other for information, so instead they both duplicate. Again, that is a very inefficient use of the system.

Mr Raab: Thank you.

Chair: Ben, I saw you nodding.

Ben Ashcroft: Yes. It should be regulated by Ofsted, definitely. Without a doubt it should be regulated.

Q34 Chair: And this is the accommodation for 16 and 17-year-olds leaving care, so until the 18th birthday, any place that does that should be brought under a regulatory regime? Are all four of you in agreement on that?

Ben Ashcroft: Yes.

Natasha Finlayson: Yes.

Marie Tucker: I am in agreement with it, but it has to come with some guidance for local authorities so that when they commission those services, they do not have to do all those inspections themselves on top of what Ofsted do, because that is what happens in fostering and residential.

Q35 Chair: So bring it under Ofsted but ensure there is no duplication so the local authority does the same process again?

Marie Tucker: Yes.

Professor Stein: The legal framework, the Care Standards Act 2000, could be extended to unregulated accommodation.

Q36 Mr Raab: You may not know this but I wonder whether, given the duplication, the net effect would be cost-neutral anyway?

Marie Tucker: You would create efficiencies if you applied it to fostering and residential as well.

Chair: Thank you.

Q37 Neil Carmichael: On the subject of commissioning and generally the performance of local authorities, Marie, you have stated in your written evidence, and I quote, “Local authorities are unable to prioritise those providers who deliver outcomes and who enable children to progress.” So what do local authorities prioritise?

Marie Tucker: Commissioning is very complex and quite a sensitive area. There is a real problem in that there is no level playfield at the moment. Local authorities will prioritise their own in-house services before they go out to the independent sector. The Children Act requires local authorities to place children in the most appropriate placement, yet if a child comes into care, a local authority will look initially at the resources it has in-house rather than looking at wider availability. There is a problem in that children are not necessarily being matched to the right placements in the first place.

There is not really a shortage of foster carers, but there is a problem with the way in which local authorities ensure access to that choice of placements. We have a huge vacancy level of foster carers in the independent sector, for example. We do not have a level playing field. Local authorities are not commissioning as effectively as they could be.

Q38 Neil Carmichael: In short, outcomes are not the focus here?

Marie Tucker: No, outcomes are not the focus. Ben and I were talking about this this morning. If you imagine a small children’s home provider with, say, a five-bedroom home, and that provider has four young people living there, what is the incentive for that provider to move a young person on? If one young person is ready to leave that children’s home and go into independent accommodation, that provider then falls down to an occupancy level of three children. That might not be sustainable for a long period of time, but because they do not have the faith that local authorities are likely to place with them, because of their success of moving young people on, they are more likely to hold young people, to ensure the home is viable and they continue to provide a service for the good of all the children in those homes.

So, yes, local authorities do not commission effectively for outcomes. The commissioning we are finding across the country and framework contracts is based on cost and quality but is not looking at value. We are struggling to find local authorities that have very effective methodologies for working out what constitutes value. Value is about the outcomes and the success that young people have in those homes.

Q39 Neil Carmichael: Essentially, the problem here is that local authorities in general terms—although there must be some good local authorities—focus more on using facilities rather than the direction and expectations and hopes of the children concerned.

Marie Tucker: There is a focus on the short term—the standards, quality and the weekly cost—without looking at what a home is able to achieve for young people and looking at the longer term.

Q40 Neil Carmichael: Is that something the rest of you would concur with?

Professor Stein: Studies we have done of where authorities have used commissioning show variability. I echo the points made by Marie. It might help as a recommendation that the DfE should have a national framework that identifies good practice in commissioning. The three areas are service, quality, progress, as well as outcomes. You have to look at those three areas because you have to look at what services have done since young people started with them, and outcomes may not be connected to that. It might help to have good practice guidance. Perhaps it would reduce the inconsistency and variability of practice in commissioning.

Natasha Finlayson: A lot of decision-making for young people in care is based on the needs of an organisation—a local authority or private provider—rather than on the needs of the child, and I think in commissioning that cost outweighs suitability and quality most of the time.

Q41 Craig Whittaker: Marie, you said there was an abundance of foster placements around the country. Is that generic UK-wide, or is that very specific and like a postcode lottery?

Marie Tucker: I do not know the picture myself, but I think it is generally UK wide, although there are more vacancies in some areas than others.

Q42 Craig Whittaker: Do we have any statistics?

Marie Tucker: I recently read a figure of 40% vacancy rate in the independent sector, although I do not know where I saw that.

Q43 Neil Carmichael: If we are not confident that local authorities are focusing on what they should be focusing on in the context of this discussion, then a national framework strategy might be in order, so what would that look like? Marie, would you like to start with that?

Marie Tucker: First of all, you would need a national outcomes framework. The ADCS in their *What is Care For?* report alluded to that and said that, if it was going to commission for outcomes, it would need an outcomes framework. That is the first thing that should be looked at.

Q44 Chair: So, as an early bid for the contents of that, what outcomes should be considered?

Marie Tucker: I would say the five outcomes we had years ago. What was wrong with that? Everyone understood them. Young people liked them. Maybe a bit of tweaking would be needed, but generally I do not know why they fell by the wayside. I would look at a model like that.

Then I think we really need to address the elephant in the room, which is the lack of a level playing field. We have a situation at the moment in which local authorities will

tender for a framework contract and tell independent providers they have to be “good” or “outstanding” for them to use their services, yet when a child comes into care all local authorities have a process of going to their in-house services first, even though some of those services will be rated as just “adequate”, so they are placing children in their “adequate” provision before they will go to the “good” or the “outstanding”. There is a real issue with the lack of a level playing field.

Q45 Neil Carmichael: So there are two problems here. One is that the local authorities themselves do not have suitable standards.

Marie Tucker: Some do.

Neil Carmichael: They prefer to use them because it is easier for them. The outside providers have better facilities, standards and operations.

Marie Tucker: I did not say that and I would not say that. We cannot be saying local authority bad, local authority good, independent sector good/bad. There are good and bad in both sectors. There are excellent pockets of commissioning. There is brilliant local authority provision. There is poor independent provision and excellent independent provision. We need to stop segregating those.

Professor Stein: On the national outcomes, we used to say them every night after our prayers: enjoy, achieve, and, God knows what the other ones were—stay healthy and things like that. There were five outcomes. It may be the case that there is quite a high level of generality, but at local level there is some very good work where outcomes can be constructed in discussion with young people, foster carers and residential workers and agree what the outcomes are, based on good quality services, and what actually works at local level. Encouraging a grounded approach may be more accountable and contribute to better quality services. We seem to evade defining quality. The Quality Protects initiative was one attempt to do that, but something more grounded is needed that could feed into thinking about a national framework.

Q46 Mr Ward: Do you have any sympathy at all with the local authorities in having to manage all this? It is not easy. You mentioned the four children down to three children. There are resource issues. We talked in Ipswich about B&B. Ideally, you would not do that but if you did not have any B&B, what would you have to have in the system as spare capacity to ensure that at a moment’s notice you could have provision?

Professor Stein: You need contingency carers and to develop a system. They have done it with young people with special needs, where they have things like respite care and contingency care. You would have to build up a respite-care system that was regulated and controlled, to avoid the use of the B&B market, and pitch for that training and support. It might be very appealing in the current labour market to groups of people to offer that kind of temporary provision.

Q47 Mr Ward: Is that a recommendation?

Professor Stein: Yes, I would make that a recommendation.

Q48 Neil Carmichael: The ADCS has noted the positive impact of regional commissioning frameworks. Have you any thoughts on how that might unfold?

Marie Tucker: I could give fostering statistics as an example. At the moment, from the local authorities in England, there are around 30 or 31 sub-regional and regional framework contracts and 20 local authorities do their own thing and have decided not to engage with other local authorities. That is around 50 or 51 different framework contracts. If you are a specialist fostering provider or a fostering provider that covers the whole of England, you have to go through 51 different tenders to go on to those commissioning frameworks. I used to be a local authority commissioner, and when I used to hear independent providers say, “You don’t know what it’s like having to go through a tender,” I tended to think that they were exaggerating a bit. I have since become an independent consultant and have supported independent providers, and it is mind-blowing the amount of resource it takes for them to go through that process. As I have mentioned before, a lot of the information is covered Ofsted anyway.

My big recommendation would be for local authorities to scale down the amount of resource they are putting into these framework contracts. I have a list of concerns about framework contracts, if I am honest. They go through tiers so that the cheapest providers are considered first before the providers of the higher quality and higher cost are considered for a young person. They are very much resource-driven rather than needs-driven.

I am not a fan of framework contracts at all. I think there should be less focus on framework contract activity, and local authorities should direct that resource into their placement officers, brokerage teams, front-line social workers and the actual work of creating contracts for individual commissioning to get the placements right for individual children.

Q49 Neil Carmichael: With a focus on outcomes?

Marie Tucker: Certainly with a focus on outcomes.

Q50 Chair: Who disagrees on that? Who thinks that regional frameworks have something to offer? No? Nobody wants to speak up for it despite the ADCS report reporting so positively? No.

Marie Tucker: It is interesting. One of the reasons there has been good press about regional frameworks is that they have reported savings. Interestingly, those reported savings have been when the local authority has said, as an example, that it used to commission foster care placements at £700 per week and now commission them at £650 per week. That is based on the projection and does not account for actual placements and actual costs. In years to come, those children may have been placed for £650, but there may have been additional costs as well to cover stuff that was not in the specification. We are not really basing that on actuals. Again, it is about cost, not value, so it does not think about what the outcomes have been.

Q51 Pat Glass: As part of our inquiry, we have met with quite a number of young people who are going through, or have gone through, the leaving care system, and they tell us they are not involved in their care plan and they do not have any independent advocacy. They will find out later that they had a right to independent advocacy, but at the time they did not know that and they did not know where to go. What is going wrong with this and why are young people's experiences so different from what local authorities tell us is happening, and why are they not getting access to independent advocacy?

Natasha Finlayson: What the Entitlements Inquiry found was that a lot of young people are not being told about their entitlements, such as entitlement to an advocate, in the right way or at the right time. Either perhaps they have been told once, when they were younger, or given a leaflet that did not feel accessible, or they did not understand the information, or it was presented in a boring way. It was not young-person centred, so sometimes they are being told. Sometimes they are not being told about their entitlements because the workers do not know what they are supposed to be telling them.

In a small number of instances, it is only reasonable to assume that there are occasions when young people are deliberately not being told about entitlements, so they cannot claim financial entitlements, which saves the local authority money, or, in the case of advocacy, so they are not able to make complaints. The fact is all the research shows that the majority of young people do not know what an advocate is, do not know how they would go about getting one, unless they have a particularly strong regional provider where the local authority has a really close relationship with them. Sometimes, you do research with young people and they will say, "Oh, advocacy, NYAS, yes." Then you will look around and see NYAS posters everywhere, so it is very present for them. Generally, however, they do not know about advocacy.

Q52 Pat Glass: There is nothing wrong with the regulation, which says that young people should be told about this and should have access to advocacy, so what is going wrong and what can we recommend or do to make sure that those young people get access to the advocacy that they need? At the moment, the regulations say, "Do it," but it just is not happening.

Professor Stein: There has to be availability. There was a study of advocacy services that covered the whole of England, and it showed problems of availability, accessibility and independence to some extent. With availability, you have to ensure that advocacy services are available and accessible to young people, which obviously requires, as Natasha said, knowledge that those services exist. There were some issues around independence where some of the services were in-house as distinct from being run by third sector organisations, which obviously felt able to offer independent advice.

Q53 Pat Glass: So, there is lack of independent advocacy and local authorities are not motivated to find those people.

Professor Stein: Yes.

Q54 Ian Mearns: There is a lack of advocacy, but if nobody is actively trying to commission it on a local basis, it will remain that way.

Professor Stein: Availability of service is the basic requirement. On the general point of involvement and participation, I know you have talked to young people, which is very important. The general picture is that there are some very good examples of participation and involving young people individually and collectively through Children in Care councils, and the Pledge. Work is going on, but it is variable.

There also might be a distinction between involvement and choice. There is evidence that young people can be involved but then they get disillusioned if there is not any real choice and are told they have to leave care and the accommodation to which they are going. The reality of choice is quite a skilful thing to handle in a limited resource situation. You involve young people but then the participation becomes meaningless if they feel they have to leave on their 17th birthday, or when they are 16 and a half. They are not given realistic choice, so involvement and choice have to go hand in hand, and it is quite a complex process.

Chair: Choice takes us neatly to Dominic.

Q55 Pat Glass: I just want to ask one more question. An elderly constituent came to see me fairly recently. For a long time, she had fostered a child with learning difficulties; that child had moved on. When she was aware as a parent that the young person was unhappy, she went to the local authority and was told, “You are simply a paid employee.” Is there a role for involving previous carers in young people’s pathways? Does that happen?

Professor Stein: Yes.

Natasha Finlayson: Absolutely.

Pat Glass: My experience was that there was no such role, and that these people were simply dismissed as paid employees.

Natasha Finlayson: That is what the care system does. It breaks relationships rather than makes them. We have to put the child at the centre and ask them, “Who is important to you, who loves you, who cares about you, and who do you want in your life?” Absolutely, former foster carers or residential workers are key.

Q56 Pat Glass: Having former carers involved in the decision making is a good thing, but does it happen?

Professor Stein: It is variable.

Natasha Finlayson: Very variable.

Professor Stein: I would recommend that local authorities use family group conferences for older young people and teenagers, as they do in the child protection process, to identify positive family and friendship networks, which can be valuable for young people on their journey to adulthood.

Pat Glass: So that is a recommendation. Thank you.

Q57 Mr Raab: It is clear that the local authority practice is patchy in terms of meeting their duty to secure sufficient accommodation. What are the specific obstacles? Is it cost; is it that sites are not available; is it will? What are your different views on that?

Marie Tucker: I have a bit of an issue with the focus we put on geography, if I am honest. There is a huge focus on children having to be placed locally and there are recommendations that they do not get placed outside their geographical boundaries.

Q58 Mr Raab: The geographical boundaries of what?

Marie Tucker: Of local authorities. The reality is that if you are a placement officer and a child comes into care that day, and you have to find a placement for that child, you sit down with the social worker and go through the child's needs and the criteria for finding a placement for that child. Children coming in to care today are complicated. There is a list of variable criteria that need to be met. You may have to find carers who might be able to speak a different language, or might be able to meet a child's medical needs. There is a plethora of these criteria. A lot of the time geography comes way down on the list when you are looking at the other essential criteria, and yet Government policy very much focuses on geography, geography, geography. We need to put far more focus on the sophistication of individual commissioning and matching what is right for that individual child, and not just have a blanket approach.

Q59 Mr Raab: What are the obstacles for the local authorities in doing that? Is it the policy from on high? Is it the lack of wherewithal within the LAs themselves?

Marie Tucker: I think a lot of it is a lack of resource for doing that sophisticated commissioning at an individual child level.

Q60 Mr Raab: So it is money. Aside from money, are there are any other key obstacles for LAs in doing this properly, where it is done badly?

Marie Tucker: Tools for matching is a problem. In the care planning and placement regulations, there is a requirement for local authorities to place children in the most appropriate placement, but very little work has been done around how they do that and the mechanisms for matching children to carers. For example, there is no one national document tool.

Q61 Mr Raab: Where is it done well?

Marie Tucker: It comes down to individual people.

Q62 Mr Raab: Give me an example.

Chair: Give us a name.

Marie Tucker: That is very hard for me to do, to be honest. You would have to talk to individual providers about the experiences they have had.

Q63 Chair: Are there any systems to do this? You are dealing with human beings and a human issue; none the less, it sounds like the sort of thing where you want some clever algorithms and at least have a database of everything so you can put in some of the conditions and get some kind of indicator from the system to inform a human decision, or am I barking up the wrong tree here?

Marie Tucker: There is a real lack of a sophisticated matching mechanisms.

Chair: It sounds as if another app is required.

Natasha Finlayson: Can I make a slightly different point? I think the shift away from residential care that started with the institutional sexual abuse scandals and crises of the 1970s and 1980s, when it started to emerge, has led to the majority of local authorities closing their children's homes, so if you want to place a child in residential care, it is very likely that you will be placing them out of authority, where the children's homes are. There is a lot more proactive market-shaping, possibly in regional consortia, that local authorities could do to be able to get residential provision nearer to where the child is, because from the child's point of view geography is absolutely crucial. It is very rare for them to be happy about being sent to the other side of the country.

Q64 Mr Raab: We are talking about generalities here. Is there any good practice in the systems or LAs or areas where any of you can put up your hand and say that it ought to be spread more widely?

Natasha Finlayson: Essex County Council is commissioning residential care within regional consortia, and that is with other local authorities, although I am not quite sure who, and that appears to be working well for them and they think they are able to market-shape more effectively.

Professor Stein: In West Yorkshire, Leeds and Bradford have locally based children's homes. I know that shipping out is a pattern that has come to light with the Rochdale sexual abuse inquiry, but there many local authorities in the north where young people who are placed in children's homes are placed locally, develop good links, and they have opportunities for good quality care, although things would improve if we could extend the Staying Put provision.

Q65 Mr Raab: Finally, from me, in terms of the best practice or good practice that any of you have highlighted—and I do not know, Ben, if you have a view on this—to what extent is the role of young people and their ability to influence the outcomes for them part of those examples?

Professor Stein: It is a critical part of good practice of the Who Cares? Trust, as Ben and others will testify.

Q66 Mr Raab: My question is who does that bit well?

Professor Stein: Our studies show that a number of authorities involve young people very well.

Q67 Mr Raab: Can you give an example? We want to get some flavour.

Professor Stein: I would say that Leeds Children's Services involve young people very well. As I said at the beginning, we have to shift from leaving care to care to adulthood; we are talking about young adults, and young people growing up into adulthood.

Q68 Mr Raab: I get that. I want to find out who is doing it well and we ought to be borrowing from. Is there anyone else with good practice in terms of involving youngsters?

Professor Stein: I think you are going to hear from the National Care Advisory Service after this, and they have some very good examples.

Mr Raab: Okay.

Natasha Finlayson: We have a lot of research on what young people say about the involvement that they want in the placement-matching that Marie was describing, and that they do not experience that at the moment and do not have a choice over placement.

Q69 Mr Raab: But are there any good examples to go with the critique?

Natasha Finlayson: A lot of it is individual workers with good practice, rather than local authorities.

Q70 Bill Esterson: We have heard a lot from young people about the importance of having that one person in their lives whom they trust. Once young people have found that one person, is there a way of improving the chances of them staying in touch with them? Is there something you can point to that would help with that process?

Marie Tucker: Are you referring to staying in touch with them after they leave care?

Chair: At 16, 17, 18.

Bill Esterson: All the way through. That seems to be a very good indicator of better outcomes for young people.

Marie Tucker: I spoke to a young person once who had left their children's home and had lost touch with carer, because their carer had then also left the children's home. The young person was trying to find them on Facebook. That is what young people want to do, but they were unable to find that individual on Facebook, because that individual had been told not to go on Facebook. Even though social media carries risk, and we know that, we also have young people saying that social media is what they want to use, so we have to find better ways of using it more effectively.

Bill Esterson: So properly using social media.

Professor Stein: When I mentioned family group conferences, that would be a way of identifying what relationships are sustainable in young people's lives. Professional relationships do change over time. Foster carers or residential workers could change, even if there is evidence they often want to keep in touch. There may be possibilities there, but there may be people in the extended family and friendship network who are very positive relationships but need to be identified early to build on those relationships. There are some examples of mentoring schemes, as well, for young people in care that may provide that.

Q71 Chair: Are there barriers to this? You get teachers sacked because they start having a Facebook relationship with a pupil, exchanging more personal information without anything worse than that. Are there barriers that mean that people with whom these young people desperately want to have an ongoing intimate but not sexual relationship are barred from doing so, and are made defensive and fearful of doing it?

Natasha Finlayson: Yes. A lot of social work practice militates against continuing relationships and taking important relationships through your life. This is what the findings of the Care Inquiry are all about, and that consulted every group of people involved in the care system, from adopters to foster carers to residential workers to social workers to young people. All the research evidence shows the primacy and centrality of relationships to young people succeeding. The Care Inquiry report has some very pragmatic, concrete findings and recommendations that I would urge you to look at, if you have not, about how we need to change practice, for example with every care review recapping on: who are the important adults in this child's life, where are they now and what role could they be playing at this important point, particularly at transitions for the young person? It is about making and strengthening those important relationships, not breaking and fragmenting them as you go through the care system.

Marie Tucker: Also, we tend to forget that one of the most important relationships for young people is peers. We talk about their carers, their key workers—all the adults in their lives. For some young people, what becomes most important to them is their friends and their siblings, and we are not great at supporting young people, when they leave their care placements, to stay in touch with their friends.

Q72 Bill Esterson: This is an issue we should come back to, Chairman. I want to come back to the point you were all making earlier about the concerns over the number of young people leaving care at the ages of 16 and 17. Is there a particular measure that the DfE should take, recommend or require local authorities to take to reduce those numbers?

Professor Stein: Under the 2008 Act, they have a responsibility, which independent reviewing officers are meant to implement, to ensure that young people do not leave care before they are prepared and ready to leave. The legal provision is there now. I am not quite sure how you would strengthen that in practice, but that provision does exist at the moment.

Q73 Bill Esterson: It is enforcing existing regulations.

Professor Stein: Yes. I think that is there.

Marie Tucker: We need better relationships between the pathway planning process and the financial and contracting process. We will have a pathway plan that might aim for a young person to leave their children's home, for example, at a particular time, yet the individuals who are responsible for the contracting of that children's home are not involved in those conversations. They are brought in sometimes 28 days before the young person leaves that placement, and it becomes a very complex thing to unravel and get into those negotiations. As difficult as it is, we need to bring the financial discussions into the pathway plan more formally.

Q74 Bill Esterson: Ian was discussing with you earlier what the appropriate age might be—18, 21, 25 or much higher in some cases—for young people leaving home. The ADCS drew the distinction between the leaving-care support to young people in full-time education and those who are not and said it was somewhat illogical.

Professor Stein: That is a major anomaly: that you can receive support until 25 if you are in education, employment and training, and, if you are not in education, employment or training, you get support only up to 21, yet those not in education, employment or training are, by definition, by far the most vulnerable group. The assumption is that they will be able transfer to adult services, but the threshold is very different, because adult services usually require clinical diagnosis, for example under the Mental Health Act, whereas the general issues relate to well-being. There is evidence that leaving-care services offer very good support to these young people, so that is an anomaly in the legislation. It might be there have to be imaginative ways around it, for example that adult services commission children's services to provide that extended support to 25. They might not be very pleased about it, but that is the kind of provision that might work so that they are consistent with legislation.

Ben Ashcroft: Personally, I think it should be young people first, and the support for young people should be given until the age of 21, as a minimum, for all young people, regardless of their placement, wherever that be. Residential is an option, but it is not the only option. There are other options, and we need to use them.

Q75 Chair: You said above 21, so 25. I mean, if you have 25 for those who are in college, it should be 25 for everyone.

Ben Ashcroft: 25 would be great. 30 would be even better. 21 is a start, for me. 25 would be great. Even higher would be even better.

Marie Tucker: There is a danger of our focusing on age, though. We need to be talking about, perhaps, a period of time or "between the ages of 21 and 25", for example, or "between the ages of 18 and 23"—whatever range. We want to avoid getting from this: "Okay, all we are doing now is shifting from 18 to 21." Quite a few of the written submissions refer to the "cliff edge". That is a valid concern.

Q76 Bill Esterson: The difficulty is, unless you have something in black and white, will it actually be done? How do you frame this, whether it is in legislation or otherwise, so that the appropriate care is there to match the needs of the individual?

Natasha Finlayson: You have to have ages, because otherwise it gives local authorities an out, particularly in the current economic environment. I agree with Marie, though, that you want flexibility built into the system, because the whole point is that it should be according to that young person's individual needs and stage of development, so you are not trapping them in a care system they would really like to get out of and are perhaps ready to get out of, but you also have the safety net and the support there for those who need it.

Professor Stein: You have to have consistency because, at the moment, there is a danger where you have Staying Put in foster care to 21. I think the word "discriminatory" has been used. At minimum, it devalues the placements in foster care, but it could also have perverse incentives. Young people could not be taken into foster care to save cost, and older teenagers could be put in short-term residential care, which would replicate the very problem this Committee is looking at, to avoid the longer term costs associated with foster care. A real priority is to get the consistency within the legislation for the different groups.

Q77 Chair: Or, on the other hand, not to put them into children's homes, which might be the best place for them, because they realise there will not be the continuing care that this child desperately needs. Yes, it is full of perverse things.

Professor Stein: It could work in three ways: remaining at home when they should not; being in residential care when they should not; or being in foster care when it is not appropriate. Three dilemmas arise from the current situation.

Q78 Craig Whittaker: I have a couple of very quick questions. We saw some evidence where young people were being asked to leave care partway through doing their exams. Would a good recommendation for this Committee to Government be that we extend that to at least the end of the school year?

Professor Stein: It is a scandal. You cannot beat around the bush. Young people are being disrupted.

Chair: Do all four of you think it is a scandal?

Ben Ashcroft: Yes.

Natasha Finlayson: Yes, absolutely.

Chair: Yes, okay, good.

Q79 Craig Whittaker: Natasha, at an Adjournment debate I did recently, or some months ago now, Edward Timpson agreed that he would work with the Who Cares? Trust to have a look at the Staying Put agenda and issues around it. Is that happening?

Natasha Finlayson. Yes. Edward Timpson's officials have been talking to the Who Cares? Trust and the National Children's Bureau in their Children's Partnership role.

Q80 Craig Whittaker: Let me change the wording there. Is it progressing?

Natasha Finlayson: Yes.

Q81 Craig Whittaker: Good, all right—that is all I wanted to know. Ben, I just want to ask you: only a couple of people I know have had the experience in care you have had: 51 moves, 37 placements.

Ben Ashcroft: 37 different placements, and 33 convictions between 11 and 17.

Q82 Craig Whittaker: Would the Staying Put agenda, or staying on until 21, have helped you?

Ben Ashcroft: I was in young offenders when my social worker stopped seeing me, so when I was released from young offenders, I did not have a social worker. They had stopped seeing me when I was in custody. The only person I had seen was my youth offending officer, who I made good bonds with. If it was not for my youth offending officer, I probably would not be sitting here now. He managed to get me the opportunity to go on Project Challenge, which, for me, was a six-month course in first aid, improvised rescue and this type of thing, and, if you passed it, you got to go on an expedition, which I did. Out of 18 people, there were only three of us that made it, and we got to walk the Alta Via 1 through the Dolomites for 16 days. For me, that was a massive key point.

My youth offending officer gave me that opportunity, because it offered me stability and routine—I was there three times a week—things I was missing before I went into care because I was always on the run, taking drugs or committing crime with other young people, and I did not have a very stable life. I had quite a chaotic childhood.

Q83 Craig Whittaker: Is it fair to say, then, that it is okay?

Ben Ashcroft: I know, from the young people I speak to now, how valuable improved support would be for young people in residential. I speak to young people in residential on a regular basis. I get e-mails and tweets from young people who are in or have just left residential, and it is pretty much unanimous: they all want extra support. Residential is an option, but it is not the only option. We need other options to support these young people.

Q84 Craig Whittaker: So is the key, then—this is what I am trying to get to—that it is alright extending the support for young people up to 21, but if it becomes a cliff edge, as was mentioned earlier, then it is no use at all.

Natasha Finlayson: You cannot just postpone the cliff edge.

Craig Whittaker: That is the question.

Q85 Chair: On this “just moving the cliff edge does not do any good”, it would seem to me that it does. The older young person is a more resilient young person, and we do not want a cliff edge if we can avoid it, but, in truth, it is better at 21 than 18; it is better at 25 than 21. At some point, you are going to transition to independence and, doubtless, there will always be flaws in that. Now, you want to do it at the time when the young person is as resilient as possible, and the later that is, the better. It is worth saying that clearly, isn’t it, rather than suggesting that any move is just cosmetic? It is not cosmetic.

Professor Stein: I agree with that.

Chair: Hopefully, 21-year-olds are much less likely to fall down than 18-year-olds are, or am I wrong?

Natasha Finlayson: No, I agree with you, provided they have had the right support to prepare for independent life during that extra period, and provided they are placed in suitable accommodation when they leave.

Professor Stein: The 2008 Act extended it to 25, so there is an argument for making remaining in accommodation consistent with the support regulations, as long as you can address the anomaly of those not in education, employment or training.

Q86 Craig Whittaker: On the flip side to that, I am sure Ben would agree that, had he not had the support at 13 and 14, he would not have got to 21 anyway. Is that correct?

Ben Ashcroft: Yes.

Q87 Craig Whittaker: Can I ask you about the Every Child Leaving Care Matters campaign? That has been a huge part of your life.

Ben Ashcroft: It certainly has. The day after the legislation was announced, back in early December, I was working at the University of London with a national organisation with young people on alternatives to custody, using remand and intensive fostering. All these young people were from residential. The subject was spoken about, and I can tell you now those young people certainly were not celebrating and they were not happy. They were asking me, “What about us? Why are we not included?” and these types of things. I did not know the answer to that. I thought the new legislation included all children and young people, not just fostered. Straight away, that is discriminatory. These children are feeling it, and they are upset and angry. It needs to be sorted out. There are no two ways about that. It needs to be sorted out, as soon as possible.

Q88 Craig Whittaker: Is it fair to say, then, that there are some huge negative impacts around this policy? Would you say the negative impacts are bigger than the benefits?

Ben Ashcroft: You have to take each individual child case by case. Young people are not all going to want to stay in residential or placement. I think there will be a very limited amount of young people that end up staying and having the option of extended supported. As you say, a lot of young people at 16 or 17 want to move out because they have maybe been given a flat and £2,000 to do it up. Which 16 or 17-year-old is not going to get

excited about getting £2,000 and a flat? But, after a few months, that all breaks down; antisocial behaviour happens and they end up homeless, drugs, crime. Hence up to 40% of 18 to 21-year-olds currently in custody are from care. Up to 57% of the women adult prison population are from care. There is a 69.9% reoffending rate, with a 100 to 200 grand a year cost: expensive and ineffective.

Q89 Craig Whittaker: Let me ask you a final question. You said it needs sorting ASAP. What does that look like? We have spoken at length about the issues the Government perceive around extending it to residential care. What is the answer?

Ben Ashcroft: I think, while all this research is going on, it should be started. If a child is settled in placement now and enjoys strong bonds and relationships with staff, working towards agreed objectives, they should be allowed to stay in the placement now. You could say, “Well, what about when they are 18?” All foster families do not consist of 16 to 18-year-old young people. They should be allowed to stay in placement now. If they are a safeguarding risk when they turn 18, but they were not one before, I do not quite understand how that works, to be honest with you.

Q90 Craig Whittaker: Does anybody have a different view?

Natasha Finlayson: No, but I do want to really briefly pick up on the idea that the negative impacts of the foster-care-to-21 reform might have outweighed the positive. There is no question that that has been the case. 75% of children are in foster care, so to give them that option, where they and the foster carer want it, is an enormous step forward. Politically, I think it was a question of getting that reform, that extension, or none, so I really strongly welcome the fact that we have it for children in foster care. Now it is great that we are having this conversation about how to extend that to residential care and other forms of care.

Chair: Can I thank you all very much for giving evidence today? If you have any further thoughts, particularly around recommendations, reflecting on today’s session, we would love to hear from you, but can I thank all of you, and perhaps you in particular, Ben, for coming along and giving evidence to us? Thank you very much indeed.

Examination of Witnesses

Witnesses: **Denise Hatton**, National Secretary and Chief Executive, YMCA England, **Jonathan Stanley**, Chief Executive Officer, the Independent Children’s Homes Association, **Andrew Christie**, Tri Borough Executive Director of Children’s Services, the Association of Directors of Children’s Services, and **Sally Morris**, Director of Young People and Families, Catch22, gave evidence.

Q91 Chair: Welcome. Thank you very much for joining us. I know you have sat through all or most of the last session, so you have seen how we have been warmed up by the

excellent first panel. We are grateful that you have come along to speak to us today as well. As I failed to do at the beginning of the last panel, I will certainly say to you that recommendations are the business end of what we do. If there are any specific changes, small or large, please do try to share them with us during this session or write to us afterwards if, on reflection, you come up with them. To what extent do the resources available to children's services dictate the experiences and outcomes of children and young people in and leaving care?

Andrew Christie: I do not think resources dictate, but the availability of resources is a very significant aspect that influences decision-making, policy and practice. That would be my headline summary.

Denise Hatton: I could share what I think has been one of the biggest impacts of the reduction in resources, looking at the value of integrated and partnership working. The most significant change I have seen in working with young people has been, not just in local authorities—significantly in local authorities, but also in some of the voluntary sector—the capacity for most staff, within their job role, to meet with partners and to think together. A reduction in allowing people to come together has had a significant negative impact.

Sally Morris: Inevitably, it will affect the commissioning process as well, because the commissioning process is based on the effective use of available resources. The process that was being talked about earlier in terms of matching needs with services is affected by the resource base.

Jonathan Stanley: That is a good point. I would make the distinction between procurement and commissioning. Very often, we are procuring from what is available, rather than being able to commission from having a sufficient understanding of the needs of looked-after children. As much as the Government has done, there is still the omission of the sufficiency duty, which needs to be looked at in much more fine detail so that we have a needs-analysis of each local authority, each region and the nation, and then we are able to truly commission what is needed and where. Until we get there, we are always at the mercy of what is being provided that we think we need, rather than what we know we need.

Q92 Alex Cunningham: We know that the Government is looking at the idea of giving local authorities the opportunity to, basically, contract out all their services in this particular area, and across other care services. The pilots that have been held so far have shown that they are highly dependent on local authorities. Is it realistic for services to be contracted out wholesale, and how will that affect care leavers?

Sally Morris: At Catch22, we already provide statutory services; we provide leaving-care services, and we work very well with local authorities in doing that. There is no reason, we think in Catch22, that you could not provide other parts of children's services. With the exception of the very high-risk cases, there is a strong case to be looking at alternative models for providing other elements of children's services outside the local authority, because it would allow for more innovation and for us to look at new ways of providing support that, potentially, could work better, given the number of local authorities currently rated as poor in terms of the provision of children's services. We think there are lots of opportunities there, and we welcome the Government's move to innovate in this area.

Q93 Alex Cunningham: Despite the fact that we have some good provision out there, and tremendously good partnership working, it is not the same, as you rightly say, across the piece. Is there not a tremendous risk, in this, for care leavers, who generally seem to think that they get a raw deal?

Andrew Christie: Can I ask whether or not the point you are trying to get at is about the whole of children's services?

Alex Cunningham: It is, yes, but I am very keen on understanding how that affects care leavers.

Andrew Christie: Just as my fellow witness says, the reality is that the commissioning of services for care leavers is very well established. Just thinking back, 20 years ago I was the manager of services in a shire county, and quite a lot of the provision that we made for care leavers at that time was provided by third-sector organisations.

Q94 Alex Cunningham: But the quality goes from good to absolutely atrocious.

Andrew Christie: In terms of commissioned services?

Alex Cunningham: Yes.

Andrew Christie: There is variability. The starting point to your Committee's inquiry was looking particularly at some of the alternative provision—I think that is the term you are using—for care leavers that is commissioned. There are some issues there, which the Committee will want to come back to, about the quality of that and the local authorities' commissioning of it. Just to pick up your point about, as it were, the whole outsourcing of all children's services, there are relatively few organisations, in my experience, that are currently positioned to be able to run an entire children's service. It is only likely to happen in circumstances where two things happen. There is a good example of the first at the moment, where Richmond and Kingston have decided to move all their children's services into a separate social enterprise. If you look at that, there are very careful governance arrangements being put in place.

Chair: We do not want to go into too much detail on that, Andrew. We have very limited time, and I want to stay reasonably focused on the brief, if we can.

Q95 Alex Cunningham: I had best get back to the subject, or the Chairman will have me. How do providers and LEAs, therefore, work together to make sure that they get suitable accommodation to meet the needs of each individual child? What is suitable accommodation?

Denise Hatton: If I take the first point, how do we work together, it is something I feel passionate about. What gets the best outcomes for young people is when we do it together. There is an example in Kent where the local voluntary sector, the YMCA along with other voluntary sector organisations, meet with social services and the housing team before any 16 or 17-year-old is put into any type of accommodation. That is done with the young person. When we talk about partnership, we talk about hearing the young person's voice as well, so, if you wanted a good example, I would look at the local authority of Dartford in Kent. Sorry, what was your second point?

Q96 Alex Cunningham: I am just interested in what good accommodation actually is. What is suitable accommodation for young people? We have had tremendous examples across the piece. There was a visit—I was not there myself—down to Gravesend, where we were finding that accommodation might be okay in itself, but it was situated next to places with criminals and all manner of other people.

Chair: Thanet—Margate.

Alex Cunningham: What is suitable accommodation, and where should it be?

Denise Hatton: We have a really good example of what is suitable for 16 and 17-year-olds in particular in Suffolk, where we have purchased a number of houses in residential

areas. We would have a house with four bedrooms, but it would be supported accommodation, so there would be a trusted adult, onsite, staying overnight and working with those 16 and 17-year-olds to support them. I would say that is very suitable.

Chair: We met children in Suffolk, some of whom talked about one of your provisions in there being—off the top of my head—not that fantastic, to say the least. It was mixed, if I remember.

Q97 Alex Cunningham: We also had young people who told us they were being placed in unsafe placements all the time. This was in Ipswich. They get dragged into the wrong crowds, but the important thing is they said that B&Bs should be banned. Is that a view that you would hold?

Sally Morris: We certainly think it is a last resort, and in our experience it is only really used, with people practising well, in a dire emergency for a very short period of time. The reality is that there is a need for emergency, crash-pad-type accommodation for a very distressed young person who is in an urgent situation and needs accommodation.

Q98 Alex Cunningham: Yes, but we have had young people who have told us they have been left languishing in a bed and breakfast for weeks on end.

Sally Morris: That is not acceptable.

Q99 Chair: The only places that will take young people from care are places that also have a lot of homeless people with drug and alcohol dependency. A girl said she was 16 and had had people knocking on her door inviting her to their room. She was alone, unsupported, and this is going on and on and on, and we are told we have practical difficulties to stopping it. Surely it has got to stop.

Sally Morris: That sort of practice clearly is not acceptable, but, in fact, we have also worked in certain areas, for example in Kent, where we have transformed what previously were good bed and breakfasts into supported lodging schemes, and we think it is about a local authority providing a range of accommodation to meet a range of needs. One element of needs is emergency support. It is one that local authorities do not do very well, but that is certainly something that they ought to be providing for, not relying on bed and breakfasts.

Q100 Alex Cunningham: What is the specific recommendation that this Committee should be making to Government in relation to bed and breakfasts, Jonathan?

Jonathan Stanley: I would say the recommendation is that a bed and breakfast is not appropriate.

Alex Cunningham: But should it be banned?

Jonathan Stanley: I think it should be. The reason for that is understanding where the young people are in their development. They need more grown-up, adult, parental assistance, and that is not necessarily always available in bed and breakfasts.

To go back to your other point, what is suitable accommodation for the individual is where it meets the details in the care plan. More generally, there is a need for some standards around this area to enable us to understand what is a facilitating and nurturing environment and make sure that environment—not just the fabric, but the relationships—is there. On that basis, bed and breakfasts cannot provide it.

Q101 Alex Cunningham: What recommendations do we, therefore, make to Government in order to tighten this up, make sure that the care plans are robust and address the young person's needs, and then are acted upon? What can we do to tighten that up?

Sally Morris: I think you should recommend that they provide and commission, specifically, a facility that meets the need for which some local authorities are using bed and breakfasts, which is an emergency facility to deal with emergency situations, and it is used on a short-term basis only.

Q102 Bill Esterson: Mike Stein told us in the previous panel that he thought it possible to create a new, much extended form of respite care—that kind of approach—to totally replace bed and breakfasts so that we overcome this. Would you agree with that recommendation as a long-term aim, as a way of dealing with this problem?

Sally Morris: Suitable accommodation depends on the needs, maturity and risks relating to the young person. There needs to be a spectrum of provision in any local authority. A good local authority—ones generally rated “good” by Ofsted as well—would be one that is actually doing a good analysis of those needs now and the emerging needs coming forward for young people leaving care. They are matching their purchasing and the facilities of accommodation they have available to those needs. Obviously, that is quite a complex task, and listening earlier to the proposal that there should be better investigations into systems to help do that would be very encouraging, but that is the job that the local authority should be doing.

Q103 Alex Cunningham: Denise was nodding her head in agreement that bed and breakfasts should be banned. What I would like to know is: what effect would that have on local authorities? What would it mean for them? Is this going to boil down to resources? You would then be compelled to keep some form of supported lodgings or accommodation on reserve just in case.

Andrew Christie: That might be one of the consequences. There are other unforeseen consequences. I would agree that, in a good, well-run local authority, they are only used in absolutely exceptional circumstances. Before I came here, I looked at the data for our use across the three boroughs over the last year, and it was a handful of young people with probably the most complex needs, where they were used absolutely as a short-term stop-gap measure. The alternative could be that you had nothing to provide for that young person.

Q104 Chair: What, across the whole of London? In Suffolk—coastal, sparse and rural—they might suggest it is more difficult, but the idea that in London, across three boroughs, it would be impossible to provide, for what you have said is a tiny handful of people, a safe, decent place for those people in extremis, I would put to you, Andrew, is not something you would want to be defending in too many public places.

Andrew Christie: I would not say it would be impossible to provide, but there is experience of just this very issue of specific provision in London, where we have spent a lot of time trying to work out a way of making just such a provision sustainable. If it is dependent on, essentially, what becomes infrequent spot purchase by a local authority, it is a very unreliable basis for any organisation to try to operate on.

Q105 Pat Glass: But, Andrew, why can local authorities in the north do this so much better than local authorities in the south?

Chair: It is an invidious north/south divide, and the south is losing out.

Pat Glass: No, it is not. Every local authority has this problem; every local authority has a small number of emergencies, and yet I know, in my area, local authorities come together, and they do have this provision, so why on earth can we not do it in the south?

Andrew Christie: There are different circumstances that might apply in different areas. For example, there is a particular problem in inner London.

Q106 Pat Glass: We saw the kids in inner London; we saw them in Thanet, and, quite frankly, it was an awful situation that kids are put into. Why can local authorities in London not get together and do this better?

Denise Hatton: Some do, though. There are some local authorities I have seen in the south-east that do provide what you have suggested—the crash pads. We do that ourselves. I also think it is the point about investing money. It is much more expensive to do it in the south than it is in the north.

Pat Glass: Well, you have got a lot more money in the south.

Denise Hatton: Perhaps local authorities are not investing that money in having that emergency accommodation. Just having one or two places in a local authority area can often stop that need for putting people into bed and breakfasts.

Q107 Pat Glass: But why can they not get together and do this?

Denise Hatton: A lot of this is based on individuals. It is about people, different types of leadership and decisions that are made locally.

Q108 Alex Cunningham: Are you saying the local authorities cannot work together to say, “We will commission someplace that is central to the three or four boroughs that will be suitable for crash accommodation,” or does this boil down to the lack of resource? If you had plenty of money, you would say, “The ideal thing to provide for our crash kids is this facility.”

Denise Hatton: I can tell you that YMCA has 10,000 beds across England in 500 communities. We would absolutely love to work with local authorities to ensure that emergency accommodation is available, but it is hit and miss. It depends, absolutely, on the local authorities.

Jonathan Stanley: I am not sure that is the route we would need to be going down. We are addressing something that exists at the moment as though it will continue to exist, and it need not. One of the things that happens, I know, in the north, for example, where they do amalgamate, is there is always an attrition on those services—as Andrew is saying about the variability of service—and where the cost evaluation comes: is this cost effective or not?

It is not necessarily an issue. Is there not another way of us thinking about this, rather than it being a separate service of existing services, such as the hub model, which is represented in the Innovation Programme paper on adolescence? Do we really want crash pads, or do we want young people to be coming into functional areas that are able to extend their care for these young people? I think it is the latter, not necessarily accepting the way things are now.

Q109 Alex Cunningham: What needs to change to make that happen, though, Jonathan?

Jonathan Stanley: We have to have a real look at new models of providing care, not just looking at specifics but being able to extend them, for example with children’s homes

being able to work with foster carers in the community, with health services, with schools as an extended hub, using outreach workers, working with housing associations: a real different model that is sustainable, because I am not sure an emergency is always sustainable.

Chair: We have limited time and a lot to get through.

Q110 Alex Cunningham: This is my final question, really to Denise. If the local authorities in London were to get together and say, “We require somebody to provide us with crash accommodation for 200 nights at year,” or whatever, what would you need to be able to do that, to make sure that you could always provide that?

Denise Hatton: I suppose what you need to be able to do is to keep the rooms free. Our own model of delivery for local housing needs to be able to incorporate that, so it needs to be paid for somewhere. What we looked at in number of areas, in order to make that work financially for everybody, was that the support was given by social services, so the YMCA did not say, “Yes, we will do the accommodation and we will deal with the support as well.” We pooled our resources together, so social services provided support; the housing department paid for the rent and the YMCA secured their own funding from private donors to put a support worker in place that was there 24 hours.

Q111 Alex Cunningham: That is quite different from providing a crash placement. There is a great company in my area that provides computer services for people whose buildings get burnt down, and they pay an insurance for that. Could we not have a situation where the local authorities could be contributing, through the YMCA, to say, “You will always have X number of beds available for us”?

Denise Hatton: Yes, we could do that.

Q112 Chair: Just a quick straw poll, if I may: if the Committee recommended and the Government consulted on imposing a ban on the use of bed and breakfasts—let’s put it at a period in the future to give time to adjust, hopefully either expand out existing services, commission crash or whatever it was—in four years’ time, that sort of date, would your organisation oppose that, Andrew?

Andrew Christie: I do not think my organisation would oppose that, no, but it would wish to caution that proper arrangements were made as an alternative so that you did not run the risk of an even worse outcome, which is a child has absolutely nowhere to sleep.

Q113 Chair: Well, your members would be responsible for doing that. They would be given four years’ notice, so are you saying that there would be a risk that they would come up with something even worse or not?

Andrew Christie: Sometimes we are working with young people who are extremely difficult to help and assist. Generally speaking, the young people we are talking about in these circumstances are often those who have been through many placements already. It is absolutely definitely not a placement of preference; it is not a placement of first resort, or even second or third resorts. It is for young people who are in very particular and difficult circumstances. At the end of the day, I would have a responsibility if my emergency duty team comes to me and says, “I have a young person. I have absolutely nowhere to put this young person tonight.” In those circumstances, I will sanction a placement in a bed and breakfast, only as a short-term measure, while we are looking for an alternative provision. Then we have to try to engage with that young person.

Q114 Chair: No, we understand the complexities, Andrew. We have a system that leaves 16-year-old girls with their doors being knocked on by predatory people in inappropriate situations, and that is happening now. We have not gone to see that many people and we have heard personal testimony of it happening. The question was whether a change in the rules to ban that from happening would do more harm than good. I am trying to find out whether this panel, starting with you, thinks it would probably do more good than harm. I know you gave me a highly nuanced answer but, at some point, people at this level of Government have to set this stuff down and hope that it does more good than harm, hopefully on the basis of evidence and consultation. Well, this is part of that. Tell us.

Andrew Christie: Well, it would probably, on balance, do more good than harm, but—

Chair: Excellent. You will have ample opportunity to put all the complexity into it. Sally.

Sally Morris: Yes, I absolutely agree.

Chair: Denise.

Denise Hatton: More good than harm.

Chair: Jonathan, you have already made your position clear.

Q115 Mr Ward: Would that be different if B&Bs and similar accommodation were formally inspected?

Andrew Christie: Probably not bed and breakfasts. The trouble is—and this was going to be my caveat—the definition of bed and breakfasts. There is some accommodation, as you have just described, that is run pretty much along bed and breakfast lines, but is providing reasonable quality care for some of the most challenging. Those would be my considerations and caveats.

Q116 Mr Ward: We will take that on, because I am really looking at the issue of inspection. Sally, in your submission, you say, in the absence of there being external standards for inspection arrangements, “local authorities have developed measures that seek to ensure that accommodation provided is suitable”. What are some of those? Should they form the basis of a formal, regularised system?

Sally Morris: You could either, for the alternative accommodation, go down the full regulation route, or you could provide a national quality framework that everybody works to. At the moment, it is very much left up to the individual local authorities to impose that. Some of them are using the Supporting People framework and other locally developed frameworks. We would favour a national framework. We do not think that would be too difficult to pull together. It would need to be simple to cater for the range of accommodation that falls into that alternative accommodation that is not currently regulated. It could bring together some of the schedule 6 guidance in the regulations that is fragmented and in different places at the moment and then look at accountability through the inspection framework so that the inspection framework could be more rigorous in this area. That would be the route that we would recommend.

Q117 Mr Ward: You have also commented on the possibility that it would stifle what you call creativity in provision.

Sally Morris: It does not need to be too onerous. That is why I was emphasising something that is a fairly straightforward, simple framework, covering all the basic standards that you would expect to see and that, therefore, that would be monitored on an

implementation basis through the commissioning, through workers who are visiting young people, but also through feedback from young people themselves about how that accommodation is working for them.

Jonathan Stanley: I struggle, because I can see many of those services as children's homes, and yet they are not regulated in exactly the same way, because they are seen in a different way. What we would say is that, yes, we need a set of national standards—quality standards, not minimum standards—and that the regulation and inspection should be undertaken by Ofsted. We already have a children's homes framework, which has some specified sections for secure. There could be another specified section for this particular area. It seems the most practicable solution, to me, to take things forward relatively quickly, and within four years we could certainly do that.

Denise Hatton: I was going to say exactly the same as Jonathan. I would challenge, if we do have projects that are bed and breakfasts, why they are staying outside social housing. I would not be looking at setting separate standards. We do need the one set of standards across housing.

Q118 Mr Ward: Who should police that? You have suggested Ofsted, but would local authorities have a role to play?

Jonathan Stanley: I do not think so.

Andrew Christie: I would say that the local authority is, obviously, the commissioning agent; therefore, it has to ensure that it can satisfy itself. I absolutely agree. I do not think it should be a task that is given to Ofsted to do the regulation. I do think that, however, Ofsted can hold local authorities to account in the inspection arrangements, because the inspection arrangements now include a specific provision that there will be a judgment made on the standard of care-leaving services, and this could be very easily built in to the kind of work that Ofsted does when they inspect local authorities.

Q119 Chair: The last panel were talking about the risk of duplication. You have local authorities going through a whole framework, and then Ofsted doing precisely the same thing, in an area where we are horribly short of resource and we are spending money on repetition.

Andrew Christie: Can I clarify that? I agree there needs to be a clearly established framework of what the kinds of standards and requirements might be. What I was saying is it would be the local authority's responsibility to ensure that they are commissioning against that. Ofsted's job, then, when they come and inspect the local authorities, would be to look at the kinds of placements that are being made for care leavers, and check that they are up to the standards that have been defined by the framework, not that Ofsted would then go out and do the approval of a specific placement. It is regulation, oversight and inspection of the conduct of the local authority and its commissioning arrangements.

Q120 Chair: Specifically, though, something came up around this risk of duplication between local authorities and Ofsted doing the same thing. If regulation was extended to 16 and 17-year-old accommodation of whatever sort, how do we ensure that we have a lean, clear, simple and yet effective system that does not waste resource on duplication? Are there any insights into that?

Sally Morris: I think it is a misunderstanding, because some provision is currently regulated and inspected by Ofsted. Most of the alternative accommodation is not inspected directly by Ofsted. The suggestion we are talking about here is, for those things that are

unregulated, there is a quality framework that could be tested through the inspection of children's services role that Ofsted also play. Ofsted have a number of different roles.

Q121 Chair: What I understood, though, was that the currently regulated settings are subject to Ofsted inspection, and that the commissioning frameworks used by local authorities force those settings to go through a duplicated process, which is wasteful of resource. We heard from one witness who thought they were moaning on unnecessarily when she had worked at the local authority. When she went to the other side, she realised that going through all these local authority systems was enormously wasteful, frustrating and led to duplication. I just wanted to tease that out and see if that came out.

Andrew Christie: That is a separate issue, and we are certainly not advocating that those that are regulated by Ofsted as residential care or foster care, essentially, should not be regulated in that way forward. It is a perfectly reasonable point to say that any commissioning arrangement should rely upon the Ofsted judgment as a fairly significant way of informing them about quality standards.

Q122 Chair: Is it true that local authorities, while doing their commissioning, would go and ask the provider to provide precisely the same information that has already been provided to, and has already been verified and checked by, Ofsted, and yet there they are, paying people to fill in the forms to give the same information and go through a process that is entirely a waste of resource, in an area where we are horribly short of such resource? Is that fair or not? Sorry, I am making too much of a meal of this.

Jonathan Stanley: Yes, that is true, and yes, that does occur.

Andrew Christie: On the other hand, if the provider already has the information, what is the difficulty of sending that same information to the commissioner?

Chair: Perhaps if, like the previous witness, you moved from where you are now to the other side of the fence, your eyes would open to a reality that you refuse to see when you sit where you are.

Denise Hatton: It is about consistency, as well, of the ask. Equally, with the framework, it is about, again, integration. If you have a framework around the accommodation, that would cover a lot of issues around support, around how a young person's voice is heard. If it is duplicated again, say through Ofsted if they are re-inspecting, often the opinions differ. That is not good either. It is a bigger picture.

Q123 Pat Glass: Can I ask you about the Southwark judgment? Sally, Catch22 has said that young people that would present under the Southwark judgment do not necessarily fit into the kinds of provision that local authorities have available. What kind of provision should be available for those young people under that particular judgment?

Sally Morris: In those cases, we are either trying to help young people to get back into their families—and obviously that is the best result that we could get, assuming the family is suitable—or looking at a temporary form of accommodation while we work with the whole family together. Indeed, young people might be in an irreconcilably different situation with their family, so we are talking about a range of provision. Again, it is about commissioning a range of provision that could meet those needs. We know now that those cases will be part of the local authority portfolio, and the local authority really needs to be thinking about how they are going to arrange to meet those needs in the future as they emerge.

Q124 Pat Glass: Are they doing that, Sally? Are local authorities accepting that these children are theirs and that they need a different kind of provision?

Sally Morris: There is incredible variety of response in local authorities in this area. Good local authorities are planning and commissioning against those types of needs, and they are providing a range of provision.

Pat Glass: Others just have not picked up on it yet.

Sally Morris: Poor local authorities are not, and they are, in some cases, not providing for those needs at all.

Q125 Chair: Can you name names?

Sally Morris: Good local authorities are generally those who have come out “good” on the inspection framework: Derbyshire—

Q126 Pat Glass: On the issue of inspection, obviously, Andrew, your organisation said not, but, to the other three, should Ofsted be inspecting local authorities in relation to their adherence to the Southwark judgment?

Sally Morris: They will make a comment on that already in the single inspection framework. It could be a stronger dimension.

Denise Hatton: I have been involved in local authority Ofsted inspections where this has been looked at, and I think they do already do it and, if they see a piece of best practice, it is drawn out, so I think it is already there.

Jonathan Stanley: You have to extend this notion of “out of sight, out of mind” much further and more deeply. I am still equivocal about the local authority children’s inspection framework from Ofsted until we have seen more of it. One of the things we are moving away from is an understanding of triangulation of evidence, and just assuming that it can be seen in one short inspection process. It is very short, when you think about what is going on for a local authority. I do not think that can be sufficiently captured by it. We drift, with particular groups, to more “out of sight, out of mind”. It needs to be much more robust and much more central in our thinking.

Q127 Pat Glass: Andrew, the ADCS has suggested that this would lead to greater state dependency, and that there could be a better range of systems responses. What would that look like?

Andrew Christie: It troubles us that, for a 16 or 17-year-old, there appears to be a presumption—more of a presumption, frankly, than for any other child for whom we have to carry out an assessment as to whether or not they should be looked after—as a result of the Southwark judgment that the local authority will look after that child, and they will then become formally relevant and be entitled to leaving-care services. The reality is that it was not that local authorities did not have responsibility for these 16 and 17-year-olds previously, because, certainly where I worked, it was something that was done, essentially, by the housing department. I think it is entirely right that local authorities’ children’s services should be required to carry out an assessment to see whether a young person is vulnerable and therefore should be looked after, like any other under-18-year-old as a child, but there are other ways and means of meeting those needs.

Can I just get to the issue of the question about the risk, if I can just describe our concern, of dependency? There is some experience that we have that this is seen by certain young people and families, if I can be really cynical about it, as a route into the social housing system. The perception—whether it is true or not—is that, if you can get yourself

accepted as being a 16 or 17-year-old homeless, you are on the ladder towards housing, which is clearly an extremely valuable asset. Local authority housing policies are changing and adapting, and, as my fellow witness was saying, in these circumstances, often the starting point is to work with the family on what is going wrong that this young person is sitting in our reception area saying they cannot go back to live with their family. We think the emphasis and presumption should be on working with the family about continuing with its responsibilities towards that young person. Of course, in some circumstances, the young person needs to be protected, and we would absolutely say that we have a responsibility.

Q128 Bill Esterson: Is your presumption always to work with the family first, then? Other people might put it that you should be saying whatever is in the interests of the child or individual. That is quite a dangerous potential problem there, isn't it?

Andrew Christie: Those who are parents have a parental responsibility, and that parental responsibility continues until the young person is 18. Most of us would say parental responsibility extends beyond that. Therefore, if a 15-year-old child comes to our door, our first presumption would be: "What is happening here? Let's work with you, 15-year-old, and your family to see whether or not what is going wrong can be changed so that it is safe and appropriate for you to return home." It does not mean to say we would always conclude that is the necessary and predetermined outcome. Exactly the same questions should be asked of 16 and 17-year-olds, and their families too.

Q129 Pat Glass: Andrew, do you think that children's services have sufficient capacity to distinguish between a 16-year-old who is looking for an easy route into a council flat, and the parents think that is a really good idea and really should be taking a proper responsible attitude to taking care of their children and their family, and the child who is presenting at 15 who has safeguarding issues?

Andrew Christie: Well, I do.

Q130 Pat Glass: That comes back to earlier reports we have done about whether social or children's services take enough account of older children and their safeguarding issues.

Andrew Christie: That is a perfectly reasonable challenge. There has been a benefit that has emerged from the Southwark judgment, which is: yes, we have to recognise these 16 and 17-year-olds are vulnerable. In fact, your whole line of inquiry is about: well, 18 and 19-year-olds are vulnerable too. They are not really ready for independent life; they have a continued requirement for support. It absolutely has to be part of the skillset we develop, which is to work out whether or not these are 16 and 17-year-olds who really do need protecting by the state, or whether or not they are 16 and 17-year-olds and families who need to give some thought to how they can live together and be different with each other. We have to constantly make judgments and evaluations.

Q131 Chair: Do you have any proposals for change, then, following the Southwark judgment? Do you have any recommendations that you would like us to be making to Government, and Government implementing, that would help nuance the Southwark judgment, so that the action is there but is appropriate?

Andrew Christie: It is maybe a revision about exactly what the expectations might be of those young people, for those young people. It probably is not necessarily a change in the legislation, but it may be a change in terms of the regulation, guidance and advice that would

help inform subsequent practice, which, then, may inform subsequent judgments that are bound to be made.

Chair: If you had any further thoughts on that and wanted to write to us, we would welcome that.

Sally Morris: At Catch22, we would say this is an area for innovation as well, because we are running, in some areas, a rapid-response service. We are supporting the local authority, where they have a case like this, to provide high-level, intensive support to help move them back home, if that is appropriate. It links into the earlier point about innovation—that there are, potentially, other providers out there who could do this more effectively and provide the assessment and support you are talking about.

Q132 Mr Ward: Earlier on, I was talking about the inspection and regulation of accommodation, but we heard some quite critical comments about staff as well, particularly key workers. What about the regulation and inspection of the staff, these crucially important individuals in the lives of these people? What needs to be done in that area?

Jonathan Stanley: It is much the same as we are now undertaking around children's homes, looking much more at the content and delivery of not just the relevant qualifications, but the training to do the job. Parts of the lives of many of these young people are much the same as those who have been fostered or in children's homes. We need exactly the same level of qualification, and the same level of leadership and management as well, which we know is a key issue. For me, there would be no distinction. We need to have a much wider view across the children's workforce about the sorts of things that we want to support our young people.

Q133 Mr Ward: Does that need to be regulated? Obviously, we would hopefully expect the training and support for all of these staff to be in place. Does it need to be inspected and regulated?

Jonathan Stanley: Yes.

Q134 Chair: Does anyone disagree?

Andrew Christie: If we are talking specifically about requirements in terms of the staffing of the alternative provision as opposed to foster care and children's homes—

Mr Ward: Yes, absolutely.

Andrew Christie: —I would want to advise against over-specification and over-regulation. Clearly, what you would be looking for are some of the basic checks being carried out, the DBS being applied, and you would expect the provider, then, to have good records that could demonstrate that they had carried out the necessary checks and taken up the reference requirements. If you then start trying to specify training requirements, you are into a fairly automated response, whereas, surely, what you are going to be looking for is evidence of good quality of care: that the young people are having their needs properly met and that the establishment is a warm, welcoming and supportive community, as opposed to whether or not somebody has a particular level of qualification.

Q135 Mr Ward: What would that look like? We have heard not simply about the training and capacity, but also, sadly, attitudinal problems: “These are just professional people; they are just doing a job.” “We do not feel we are really, truly cared about and supported.”

Andrew Christie: Attitude is probably best measured by a) observation and b) reports from the young people concerned, isn't it? It is very hard to train people to have the right kinds of attitudes, and, therefore, what you need to look for are proper complaints systems, proper oversight of what young people are saying, opportunities for young people's views and experience to be recorded, and for the people who are commissioning the homes to be visiting them and making their own professional judgments.

Denise Hatton: I think attitude is difficult. There is lots of regulation, and lots of providers probably would provide the right training. Attitude comes from values. It is not something you teach. You can ask people to have a particular attitude, but it is about making sure that the people employed are the right people in the first place. I would inspect the values of an organisation and how they ensure that people coming in meet those values.

Chair: Sorry, Jonathan, I am not going to bring you in again, because you have already spoken. I know you want to disagree with Andrew, but he disagreed with you, and there we go.

Q136 Alex Cunningham: As Bill said to the first panel, many young people tell us about an important person in their lives who provides them with support, whether that is a teacher, a social worker or a carer. Others depend on the more formal systems that exist, yet Marie Tucker has argued that the automatic appointment of a personal adviser is an area where the social services sector is wasting significant resources. Do you agree?

Andrew Christie: I think I do. I was listening to that piece when you were receiving evidence, and I was thinking about what good practice looks like. The Committee were pressing people to say where there are examples of good practice. Well, when I look at my three boroughs, I can tell you that, for care-leaving services, there are differing levels of practice across the three. Actually, in the one—I will not name it publicly—where I think the standards are highest, or at least with the best provision, what happens is that there is a place that is, essentially, a centre of provision for care-leavers, which is essentially run by two people who have been there for a very long period of time and who, in many ways, perform quite a parental function for the young people. It is about a couple of people who can make very good, effective and lasting relationships.

Q137 Alex Cunningham: That is an example of good practice, but children and young people across the piece tell us that they do not have any real support, and they really do need a personal adviser.

Jonathan Stanley: One of the arguments Marie is making, too, is that it is the established relationships that the young person already has, even though they might have been relatively short, in terms of six or seven months of coming into the children's home. They have an established relationship that could be built on, and having another parenting function coming into life is not necessarily helpful, because they will have even less of an understanding. It is about enduring and sustaining those relationships from the setting they are working in into future life. I think that is Marie's argument, which holds some water.

Alex Cunningham: So it should not be compulsory for every person to have a personal adviser.

Chair: I am not going to let Denise come in. Next question, please, Alex, because we have so little time.

Alex Cunningham: Well, I think that was quite an important question, Chair, but I will move on.

Chair: You are absolutely right.

Denise Hatton: Can I just say, I would look at youth work? That is the bit where we are losing those relationships of trust and paying for it in a different way.

Q138 Alex Cunningham: Young people tell us that they would like a model where each of them has a consistent team supporting them as they go through the process, including a mentor, a social worker, a leaving-care worker, a former carer. That will happen in good places. Is it realistic for us to say it should be happening across the country?

Q139 Chair: Is it viable?

Alex Cunningham: Is it viable? That is a good point.

Jonathan Stanley: It runs against where we have currently got to in our thinking about careers, in that we have lost the vocational element of people being able to stay with a young person throughout an extended period of time. Working residentially, in one place we worked, you could not leave the place until your young person had left, because you were breaking the cycle. There is something about the ethics and the values that lead into the practice.

Q140 Alex Cunningham: But, if there is a team of people, and they are all involved in the young persons' life, there is bound to be some form of consistency there that sees them through their transition to independence, surely.

Jonathan Stanley: I am not sure we have that level of consistency any longer, and I think it is open to variation through various means: from policy and from budgetary measures.

Q141 Alex Cunningham: That must be lamentable, then, because that is what good practice would be.

Jonathan Stanley: I think it is.

Alex Cunningham: Do you agree, Denise?

Denise Hatton: Yes, I absolutely agree. If you asked a young person what they most wanted, it would probably be a relationship of trust, so trying to gain that consistency is really important. It will not always necessarily be the named person—the social worker—and that is why I think youth work is very important. Those are the sorts of relationships and communities that last a lifetime.

Sally Morris: I agree. We very much put a strong emphasis on building an effective relationship with young people, and think that is the basis on which you can sustain change as well. I suppose it is being able to continue a connection. If a young person makes a connection, they should be able to nominate that person as the person that they want to support them. Going back to the PA role, it is a function rather than a role. In that respect, it could be any role that is operating in the children's services system, as it were. There are some practical difficulties, though, in implementing that, particularly in very large local authorities, where you have to have some organisation principles. Again, to me, that begs for innovation and for different ways of providing, certainly, those less high-risk parts of children's services.

Q142 Bill Esterson: The DfE says the quality of children's homes should be improved before Staying Put is extended. Are they right?

Jonathan Stanley: No, I do not think they are right. We do not need to have pilots; we can go forwards with it now, on the basis that there are many children's homes that are already "good", and sustainably "good", or better, and we have seen them. There are ways of

using the “wholly or mainly” regulation for young people to be able to stay beyond 18. Yes, we need to do safeguarding checks for them to stay, and yes, it will be a local arrangement as to the purchasing or financing of that place, but I do not think we need to wait. We do not know, from that statement, how many it would need to be. We do know how many are “good”, and are sustainably so, and I do not think there is any reason we cannot continue on that basis.

Denise Hatton: I would just caveat that with what we call children’s homes. There are models popping up that we are calling children’s homes that might be a slightly different model, so it would be good to really bottom that out because, for lots of older young people, those 18-plus, would it be appropriate—I don’t know if this would work—for them to all be together in a children’s home? Should there be a different model? I wouldn’t know.

Q143 Bill Esterson: This concern about safeguarding is an issue you both touched on there. How do you overcome that?

Denise Hatton: I do not even think it is just safeguarding; it is about whether or not it would work in relation to the dynamics of having a community like that together. It might be better for you to reply on safeguarding, Jonathan.

Jonathan Stanley: I do not understand how, if you are 17 years old and 300-odd days, you are not a safeguarding problem and you are being safeguarded, and then, when you get your birthday, you become a safeguarding problem. The relationships, the risk assessments, are all in place for that young person. Yes, we are not looking for that young person to remain there forever. It is not going to be their home forever; they will be moving on sooner or later, but we know about the risks. Moving to another place, we do not necessarily know the risks. The experience of managing that risk by the young person and the workers has been demonstrated.

Bill Esterson: So it is a proper risk assessment.

Jonathan Stanley: A proper risk assessment, yes, and these have to be in place.

Q144 Craig Whittaker: Jonathan, you said that there were issues in the children’s homes sector. Are you, therefore, proposing that we only give the provision of the Staying Put agenda in children’s homes when they are “outstanding”?

Jonathan Stanley: Not necessarily, but I think “good” or “outstanding”. We have to be practical.

Q145 Craig Whittaker: Even though you accept that the framework for children’s homes has to change because the old framework under Ofsted was not good.

Jonathan Stanley: Under where we are at the moment, if you are “adequate”, you are meeting national minimum standards. There has to be some acceptance that “good” or better would be beyond that. If we moved to quality standards, then we might have a different discussion. “Good” or better, I think, at the moment, would be the majority of the sector.

Q146 Craig Whittaker: Michael Gove disagrees, though.

Jonathan Stanley: Yes. We are in dialogue.

Q147 Craig Whittaker: He is the man who makes the decision, so what are we going to do to change that?

Jonathan Stanley: I would hope that there would be a greater understanding of what the evidence from Her Majesty's Inspectors is showing: that most children's homes are "good" or better. Is that the quality that the Minister is seeking? I would hope so.

Q148 Craig Whittaker: My question to you, then, is: is your head in the sand about whether children's home standards are good enough?

Jonathan Stanley: No, I do not believe so. Very often, people have said, "Are you complacent?" No, I am not. My track record is saying we need the best we can possibly give to children, and we need to be rigorous in our challenge to children's homes.

Q149 Craig Whittaker: Are you up to that challenge now? Is that the situation now?

Jonathan Stanley: No, I do not think we are, but the situation is one of seeking to improve things, rather than of challenge, because I do not see a lot of people wanting to open up children's homes, but the issue is about improvement.

Q150 Craig Whittaker: A final question from me, then: should young people who leave care have the ability to come back into care if they so wish and at what age, or do we set an age limit on that?

Andrew Christie: Presumably, by that, you are meaning somebody under the age of 18 leaving care.

Q151 Craig Whittaker: Someone who is 18, perhaps, when they leave care deciding at 19, "I am sinking here. I need to go back into care."

Andrew Christie: They should, and would, still have their full entitlement to leaving-care services, so I would not suggest that you need to make any legislative change. But the point that should be made is that, because you have chosen to no longer accept leaving-care services at the age of 18 and a half, if you change your mind at 19 and a half, absolutely, you should have that entitlement.

Q152 Bill Esterson: Is that happening?

Andrew Christie: It should do. I cannot tell you whether it happens in all 150 authorities regularly, all the time, but it is what the legislation would prescribe, so if it did not happen for a young person, it would be open to them, through all the means available to them, to make issue and representation to the local authority.

Chair: Sally, the ability to come back into care?

Sally Morris: I agree with Andrew; they do have that right. The local authority ought to be supporting young people who were previously care leavers if they need that support, and they have the right to ask for that support.

Chair: What about a step beyond that?

Sally Morris: Good local authorities are doing that. The age thing is always difficult. This is not everybody having the same thing; it needs to be responsive to need. Age is difficult, but I agree with extending it.

Q153 Chair: But under 18: there are still, as we know, so many children leaving care at 16. Do they need more than just leaving-care supporters? Should they be able to come back into care, and should they be able to trigger it?

Andrew Christie: The legislation would say that, if that is what they require, they should do. I do not think, again, you need to change the legislation; that would be more of a challenge to practice.

Q154 Chair: Jonathan, a final word from you?

Jonathan Stanley: For me, it comes to, as Ben was saying, whether it is good enough for all of our children. One of the things parents do is provide a home for children, and they do frequently say, “Can I come home?” It would be a wonderful expression of corporate parenting if “Can I come home?” was able to be agreed to. You challenge me, because I cannot think of single time that it has occurred. That might be because I have not been looking, but it probably means that it does not happen often enough.

Chair: Good. Thank you all very much indeed. As I say, if you have any further thoughts following today’s session, particularly about recommendations, we would love to hear from you. Thank you very much indeed.