

Public Accounts Committee

Oral evidence: Children in care, HC 809

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Members present: Margaret Hodge (Chair); Mr Richard Bacon; Guto Bebb; Mr David Burrowes; Stephen Hammond; Chris Heaton-Harris; Meg Hillier; Mr Stewart Jackson; Dame Anne McGuire; Austin Mitchell; Stephen Phillips

Sir Amyas Morse, Comptroller and Auditor General, Sue Higgins, Director, National Audit Office, Ashley McDougall, Director, National Audit Office, and Marius Gallaher, Alternate Treasury Officer of Accounts, were in attendance.

Witnesses: David Graham, National Director, Care Leavers Association, Matthew Horton, UK Head of Business, Family Placement (Fostering & Adoption), Barnado's, and Alan Wood, President, Association of Directors of Children's Services, gave evidence.

Q1 Chair: Thank you. Sorry we are running a bit late. It is our first day back, so we had quite a lot of business to do, I'm afraid.

Welcome. The purpose of this first session is for you—hopefully having had a look at the Report—to try to point us in the right direction when we hold the accounting officers to account. So it is really telling us things that you think might not be in the Report that you think should be, and the principal areas that we ought to pursue.

We will have quite an interesting afternoon. Alan, I might start with you on this one: where do you think the boundaries are between your responsibilities in local councils and the Department's responsibilities in this area?

Alan Wood: The simple answer is that our responsibilities are for the delivery of services, and to ensure that those services are of a sufficiently high quality for young people.

Q2 Chair: And what about the Department?

Alan Wood: I think the Department's responsibilities are to ensure that there is a high level of good advice and good guidance, based on its knowledge of what is happening across the sector. It will also identify themes and trends in the sector, in terms of the type of provision and the changes in arrangements in provision, for example between residential and foster care, and snags and challenges in the system, which have been identified by Ofsted or the Department for Education itself.

Q3 Chair: Do you all agree? I was going to go to David. What the Report depressingly tells us is that there has been no improvement for the last five years or so. From your perspective, and from talking to care leaders, why is that happening? Where does the accountability for that lie? What is not working as well as it ought to?

David Graham: I would take it further than five years. We have a number of events every year for care leavers of all ages, from 16 up to 70. The amazing thing is that they all report the same experiences and the same issues. We are talking 20, 30 or even 40 years, and the outcomes are still lacking, and there are still some major issues around stability. That is more than just placement moves; it is that sense of feeling that you belong, and that feeling that someone understands what is happening to you and supports you.

There seems to be a lack of connection: somebody who is there and listening to you; somebody who takes you for what you are and for what you are going through; and then works with you, rather than putting boundaries and other things in place that often end up making things worse.

Q4 Chair: And where do you think accountability for all that lies?

David Graham: It seems to be a bit of a fudge at the moment. As an organisation we, on the one hand, like to see local authorities doing different things, because that can promote innovation in ways of working; but our biggest issue is the postcode lottery of young people from different authorities getting different services and different experiences, and finding it very difficult to challenge that. The Department would say that is not their responsibility, and each local authority would say they are doing their own things within the guidelines that are set.

Q5 Chair: So it is fuzzy.

David Graham: It is fuzzy, yes.

Q6 Chair: As the organisation that represents the children we are talking about—they do not know where the buck stops.

David Graham: Some of those guidelines could be a lot more concrete. Some of those words leave so much open to interpretation—so much wiggle room.

Q7 Chair: What about you, on this general point, Mr Horton?

Matthew Horton: Yes, I agree with Alan's position on the boundary between the local authority and the DFE responsibilities; but I would take it a step further in terms of what I see as the DFE having the potential to ask questions relating to common themes and common developments, particularly around types of children and children's needs. So we know, for example, a great many children who are subject to sexual exploitation, for example, are often not well served by local authority provision.

One of the issues that I suppose I might be looking to get clearer on is why couldn't we have some kind of innovation from the DFE, which is around looking at a particular client group and asking the question: is there a better way than individual local authority provision, servicing and dealing with the needs of young people who have these kinds of incredibly intractable and difficult problems? Those are often outwith local authority boundaries, and go to the heart of the needs of young people from very different groups of backgrounds in different local authorities. I think the DFE can have a role to play in setting up projects, proposals and schemes that cut across local authority boundaries in the way that, for example, local authorities meet the needs of these children.

Q8 Dame Anne McGuire: Can I ask you about innovation? It is a word that is bandied around quite a lot. I previously worked with young people coming out of care, before I came into this place. I appreciate the difficulty about the postcode lottery: sometimes, something that you can get one local authority to engage with—it is really very difficult, for all sorts of reasons, some of which are territorial, to get that exported.

Both of you have mentioned innovation. Can you give us an idea of where the blockage is to innovation? Is it because you guys have got the imagination to come up with different ways of working, and you have been stymied either by local authorities or by the Department; or do you think the innovation should come from the top? As I say, innovation is a word that we all throw about the room, but it is almost like everybody expects somebody else to be innovative.

Q9 Matthew Horton: I can give an example of the areas that I am referring to. We at Barnardo's have a family placement fostering scheme to meet the needs of children and young people who have been subject to sexual exploitation; I was just referring to that. It was funded initially by a DFE grant, which was incredibly useful in establishing the model, looking at the training needs of the carers themselves, and a number of other prerequisites for running a project like that. That grant is a finite thing, and, when all is said and done and the grant is no longer there, it is down to individual local authorities themselves to continue to fund the scheme—to pay us, to pay the carers. What we have seen is a very variable response to taking on that responsibility once the grant is no longer available. That is just an example of where I think we can get it partly right initially and then it seems to slip at a later stage.

Q10 Dame Anne McGuire: So that is a funding issue as opposed to a process issue? I will not spend too long on this, but I am interested to see where the blockage is on innovation.

Matthew Horton: For me, it is a funding issue, but it is also a training, development, innovation and learning issue across the piece.

Q11 Dame Anne McGuire: Right. Is that an issue for local authority people who are in children's services? Are you risk-averse in terms of innovation, or are you so constrained by budget that innovation is at the back of your mind rather than at the forefront?

Alan Wood: For many authorities, dealing with the financial pressures has meant that they have had to be more thoughtful, creative and innovative. The evidence of that is in the DFE's innovation fund, from which many local authorities and partners in the voluntary and community sector have applied for significant sums of funding to fundamentally rethink the way in which they make, for example, provision for adolescents and young people coming into care—the way they changed the model of social work. In the past few years there has been significant improvement in the way in which local authorities seek to provide a service, but it is not universal, clearly. More could be done, and more should be done.

Q12 Dame Anne McGuire: Finally on this, for the people who are the subject of this Report and who are the subject of lack of innovation or whatever, where do you see the innovative practice developing?

David Graham: It is worth saying that sometimes the innovation is not actually something new; it is more common-sense stuff that for some reason has not been used or rolled out. Some of the blocks do tend to be in the competitive nature of local authorities—of not wanting to share. Often you need bigger cohorts to really see if there is an impact, and the numbers are too small. I go to conferences up and down the country and I hear of really good practice, but there does not seem to be a central local authority place where that good practice can be rolled down, or even somebody at DFE saying, "You know what? There is enough evidence to say that this works, so you have to do it, or you have to at least try to do it."

Dame Anne McGuire: I think that that is the most depressing thing about the answers. This has not changed much in 25 years.

Q13 Mr Burrowes: To pick up on that, the most vulnerable children are victims of child sexual exploitation. We had a very critical report from Ofsted in relation to child sexual exploitation, looking at the lack of leadership. Then we have the NAO Report, which is also critical in terms of 150 local authorities chasing around and spot purchasing to put the most vulnerable children into residential care. We can talk about the innovation fund and trying to process that, but where is the responsibility of the local authority to work together collaboratively across other areas to commission more cost-effectively, given the financial challenge, but also to deal with the huge challenges facing these most vulnerable children?

Alan Wood: The pattern of care provision has clearly changed over the last decade, particularly with the fall in the number of residential places. Residential placements have fallen for two reasons: first, because there is not enough demand to keep homes open and many homes have closed, so local authorities are a very small provider in that field now; and, secondly, because the arrangements we make to support young people in the extended family or in long-term foster care have meant that we no longer rely so much on residential care. Because of that, residential care in itself has become a particular area that has not had innovation and has not changed significantly to meet the needs of a much more challenging group of young people—young people affected by issues like CSE, which is an area that we have not really had great experience of in the past although

it has clearly been there, or young people who are subject to domestic violence or drug-abusing parents. The complexity of the children in care and the lack of a broad enough range of residential provision are causing them harm.

Q14 Mr Burrowes: In terms of responsibility, are you looking to a specialist commissioning service? The Youth Justice Board provides specialist commissioning in relation to those in custody or on remand. Are you looking for DFE or national specialist commissioning, or is there something more that the local authorities could do in partnership?

Alan Wood: There are two things. There probably is more that local authorities can and should do in terms of sharing residential provision. The bulk of the residential provision in this country is in the north-west and the west midlands, and that in itself is a problem for authorities in the south. There is more that local authorities could do to share the arrangements they have, and there could perhaps be more cross-local authority commissioning of places. In respect of secure placements for children, or children who require welfare secure placements, I think there is an argument that there should be a national agency that commissions those places for all local authorities.

Q15 Chair: Whose responsibility is it to manage the market in children's homes, or in all children's care and foster placements? There is a growing private sector presence; that comes out in our Report. Whose job is it to manage that market in the interests of children?

Alan Wood: I think "job" is the work that needs to be undertaken by local authorities to determine different types of provision. One function of the DFE is to help local authorities to anticipate and adjust to the way the market is changing, and to encourage new providers to come into the market where appropriate.

Q16 Chair: So who does that?

Alan Wood: It is a combination of the DFE working with local authorities. However, around innovation, the DFE is leading the way at the moment.

Q17 Mr Jackson: First, do you agree that what comes out of the Report is, again, an endemic issue with Government: a failure to properly collect data? How important is that in attempting to improve the system and the regime across the country? Do you have any ideas about whether we need more carrot or more stick to facilitate that?

Secondly, Mr Burrowes mentioned spot purchasing. From the Report, it seems that the spot-purchasing regime is used in short-term decisions around annual budget settlements. What mechanism can we use to encourage consolidation of purchasing and better collaboration between local authorities, either from statutory guidance or from voluntary?

My third and final point is about the recruitment and retention of social workers. How important is that in trying to improve the situation at a local level and how critical is that issue to the Report? Those are three quite complex questions, but I would be grateful for your thoughts.

Matthew Horton: I can attempt to answer three pretty complex questions with a bit of a generic overview. If you take it back to the issue of whose needs we are looking to serve when we make a foster placement, the obvious answer, which probably everyone in the room would agree with, is the needs of the child concerned. That being said, it seems that when placements are commissioned in the spot-purchase way that you imply, those placements are often commissioned on the basis of the location of the least expensive placement that meets the fundamental, simplistically put needs of a child, which need to be answered within 30 minutes of the referral; we have to get back with a response saying that we can meet the needs of the child or young person. Thereafter, the local authority social worker will assess three or four form F assessments of foster carers with a view to making an appropriate match. That is an incredibly simplistic way of dealing with what is, inevitably, a phenomenal crisis in a young person's life. I can think of few other occasions in a child's life that are more significant and important than reception into care.

It seems that we take the wrong imperatives when we seek to answer a commissioning request from local authorities. We need to revisit the issue of the needs of the child or young person concerned. We have, to a certain extent, lost the focus on the child when we have a referral process that is based, off and on, on a series of other imperatives. That is an observation based on 10 years in a local authority and 10 years with the independent and third sector. We have to get back to asking whose needs we are serving, as David has already alluded to.

David Graham: In answer to the second part of the question, it has to be needs based. So much of the system is based—

Q18 Chair: But is it?

David Graham: No, so much of the system is based on different criteria and different levels of criteria. I have been to lots of meetings around the country with social workers and looked-after children's nurses. I have heard from those people that they do not know what is there on the ground, so when it comes to placing or commissioning, often local authorities or whoever do not know what is in their area or backyard. The idea is that there is some big market out there and that everybody knows exactly what is there and what the needs are, and that you can join the two together, but that just doesn't happen.

Chair: So how would you improve that?

Q19 Mr Jackson: That is the question. A good example is the table about kinship care in figure 4 on page 21. For many years, Ministers have said that they are in favour of extended family and kinship care as a cheaper and more effective—I say “more effective” with a focus on children—alternative to private provision of foster care, yet the figure shows there has been a very significant rise in the use of private fostering and hardly any change in kinship and extended family care. I suppose the question I am asking is: given that Ministers want that to happen and it is not happening, what mechanism can we use to bring it about?

Alan Wood: What those figures cover, though, is that there has been a very significant increase in SGOs in a number of local authorities, while in others it has stayed still or got smaller. If you look at it geographically, that can often be seen to be attached to the residential placement. So I think there is some merit in saying that SGOs have been successful.

You asked three questions. The first one was about data. Each director of children's services has to return 11 major statutory returns to Government on information relating to children. Hundreds of thousands of other pieces of information then get submitted to Government. I don't think asking for more information is going to help; I think what will help is to ask for far less information, but for information that is much more pertinent to the issues we are trying to deal with.

Q20 Mr Jackson: Yes, but although DFE are looking at the quantitative data, it seems to me that they are not looking at the qualitative data. In other words, there are lots of numbers coming into the sausage factory, but no one is actually saying, "But what difference is this making to children's lives and long-term prospects?"

Alan Wood: That is why I think simply asking for more data is not going to help, but saying, "Let's collect the correct data and work out what data give us the quantitative assurances around quality of placement, for example, or quality of provision being made by local authority social service departments."

Q21 Chair: What does that mean? What would you change?

Alan Wood: Well, I think that the data we provide—

Q22 Chair: Give me one example.

Alan Wood: One example is that much of the data we provide is about whether a plan has been completed within a set timetable. Everybody will say, "Yes, it has," and you will get 85% to 90% completion within that. Nobody checks whether the quality of that plan is at all helpful, or whether it has changed the outcomes for children. It is about focusing data much more on quantitative assessment of the quality of outcomes. We have got to get the quality of outcomes right, and it is much more difficult to identify how to collect those data. That is why it is important that we do not just ask for more data, because local authorities will continue to employ people who count things, but no one will be able to analyse it because it does not tell them anything.

Q23 Chair: So what would you put in instead?

Alan Wood: I think we probably need a suite of data of about 25 to 30 indicators of children's experiences that we can go out and measure by talking to parents, children and carers. From that, we can draw a picture of the broad health of a local authority's provision for children in social care.

Q24 Dame Anne McGuire: Have there been any conversations with the Department to look at that sort of approach? You are floating it here this afternoon. Has the association had any engagement at all with the Department to say, "We're fed up with the tick boxes; it's not telling you what you want to know, and you get a bad NAO Report because we can't verify some of the data. Let's look at a different way"?

Alan Wood: Yes. There have been two broad initiatives. One involves the DFE, the Department for Communities and Local Government and local government talking about what indicators you can identify to tell whether or not a children's social care service is of quality. That is an ongoing discussion and still happening. There has also been another discussion with Ofsted, which is about the data Ofsted collects annually and the data it looks at when it comes into a local authority. Certainly in the latter case, there has been much more of a move towards trying to identify those qualitative factors which indicate better outcomes for children and young people. Key to that is the fact that more discussion is now taking place with young people about what they think about the experiences they have had.

Q25 Mr Jackson: And social worker recruitment and retention?

Alan Wood: That is the big issue. We do not have enough high-quality social workers coming from social work education into local authorities. We need more. We need to ensure that social worker training is much more focused on practice. For example, I went to the north-east a few weeks ago to talk to directors there about social workers. They said that it is not a question of not having enough social workers, but of having too many social workers who are completely unprepared for the work they are expected to undertake as new social workers in the local authority. Their view was that local authorities and universities should work much more closely together so the experience of training social workers matches what they are likely to face on their first day in the job.

Q26 Chair: Who is responsible for that?

Alan Wood: Social work training is commissioned nationally.

Q27 Chair: So it is a DFE thing?

Alan Wood: Yes.

Mr Jackson: Or BIS. Is it universities?

Chair: No, the content of the courses and things will be with the DFE.

Matthew Horton: I just want to add a brief point relating to Alan's comments. It is difficult to devise a set of data that relates to children's outcomes if you don't know the full suite of potential resources that are on your doorstep and are not prepared to use them all in an equitable fashion. I am talking about the current dilemma that local authorities are in. For example, they often use their own foster carers because ostensibly they are the cheapest—I use that word advisedly—and they go to the independent or the third sector to provide placements when they cannot find in-house provision. That is a problem, because it neglects at an early stage the solution that might meet the individual child's needs, and it perpetuates continual moves, disruptions, short-term, unstable placements and so on.

Q28 Austin Mitchell: It is a difficult question for us as a Committee to deal with, because value for money is unimportant compared with value for kids. The National Audit Office might not

like to hear that, but it is the case. It is also impossible for MPs. I have the impression that I am getting more cases of parents coming forward to complain about the way that their kids have been taken from them, for all sorts of reasons. I think it is increasing, and when I take it up with social services I get a bland reply from the top. I get continuously reiterated complaints from parents about the way that they have been treated. My impression—you can confirm this or not—is that the care service is overstretched, undermanned and is not coping well with its increasingly heavy workload. Is that a fair impression? Is the service under too much pressure?

Alan Wood: There is no doubt that in some areas services are under significant pressure and are finding it difficult to respond as they would wish. The number of children in care has increased in the past few years. Even in my authority, which has for a number of years had a very low level of children coming into care and has provided a wide range of family support services to achieve that objective, we have found in the past two or three years the number of children coming into care has gone up from about 270 to 350. There is increasing pressure in the system from children requiring care and support services.

Q29 Austin Mitchell: So what is the answer? Is it more social workers, more money or better trained social workers?

Alan Wood: I think it is all those things. The thing that makes or breaks a good social-work service is high-quality social workers who are well led. Unless we have them in sufficient numbers, we will not be able to crack this problem. In many respects, children's services in the past four years have been well prioritised by local authorities, in general terms. We are now at the point at which they are no longer able to commit to prioritising children's services, so there is increasing pressure on local social care arrangements for children.

Q30 Chair: What proportion of social workers are now agency staff?

Alan Wood: I do not know what the national figure is, but I know what the spread is. In some areas, 35% of social workers are agency staff, and in other areas it is very low: 1% or 2%.

Q31 Chair: You do not have a national figure?

Alan Wood: No.

Q32 Austin Mitchell: One further question. We get a lot of criticisms—for instance, from Chris Booker, and there was the recent case of a grandmother who was penalised for cuddling a kid, as reported in the *Daily Mail*. Is it reasonable to say that this overstretched service has powers that are too draconian? How do the powers, secrecy and authoritarian nature of taking children into care compare? Are we more draconian than European practice?

Alan Wood: No, I would not say that we were more draconian. I think that perhaps what we see in England, in particular, is that where there has been a big event—a scandal that has been exposed—there tends to be an instant reaction in the child social care system, with lots more referrals being made to children's social care. It creates a climate where the risk judgements made

by social workers and social work managers err further on the side of caution than they may have done before.

Austin Mitchell: Matthew Horton wants to come in on that.

Matthew Horton: I want to comment on an earlier point that you made: the issue of not being able to measure the cost of a child in care. I think that possibly you can, but you cannot just measure it in terms of the career of a child aged nought to 18. I am sure David would agree that if you look at a child or young person who has had a bad experience of care, you can pretty straightforwardly extrapolate from that experience to ask questions such as: what is the child's likely use, as a young adult, of mental health services? What is their experience of homelessness, and do they have a significantly higher risk of suicide than other young people of the same age with the same educational background? There is a whole range of potential indicators post the care experience.

There is possibly another issue for the DFE to consider—I am sure they are— around the issue of taking children and young people's care experience and asking where this takes us for young adults. I think it takes us to a not very good place.

Q33 Austin Mitchell: Is the suicide rate higher?

Alan Wood: I would need to be guided on that.

David Graham: The self-harm rate is higher. On one of the questions you asked, most of the people I work with—perhaps by the time they are in their mid-20s or early 30s—would come back and unanimously say that care was the best thing for them. So sometimes even a bad care experience was so much better than what was going on in their family placement. One of the things that we have to remember is that this is not a place of second recourse or a worst-case scenario; for some young people, this is going to be their family unit. We have to stop seeing this as a system that is there to manage behaviour or something. Particularly for those people who are going to be in it long term, we need to say, “How do we do the best for these young people with the resources that we have?” Those are some of the philosophical questions. The system is under strain, but how can we stop seeing it as a system and seeing it much more as a nurturing unit that will help the child develop in the long term?

Q34 Dame Anne McGuire: And how do we do that? The word “family” is interesting. In the families of young people who are not in care, the family network support is there until they are 25, 30 or 50. Families support each other in different ways, but for young people coming out of care there is almost a cliff edge where the family stops. Even if that family is residential care, it is not a traditional environment for a family. How is that going to be dealt with in what is a system? I think you are right: we have a clash between what would be our aspiration—which would be something that replicates a family support network—and a system where you go into the system at one end and come out at the other. The danger is that we lose the focus on what happens to the young person as they come out of care, when they drop off that cliff edge and there are all the other ramifications that we have already identified.

David Graham: The key to that is relationships. Yes, you can directly replicate family relationships in foster or residential care, but there is an opportunity there for that young person

and those carers—whether foster or residential—to build relationships. Longer-term relationships help. I know that it is difficult to retain social workers and residential care workers, but we should think about how we can do that long term. We can have mentors or other people in the community—the community asset model of looking wider—because the relationships need not be only in that home. We should be getting away from asking what you qualify and saying, “You know what? We are not going to do this 16, 21, 25 system that we have now; we are going to say that it is there if you need it, when you need it.” Figuring that out would be difficult, but once the flexibility begins to work, you will get people with fewer long-term issues in later life. Hopefully, the savings would be there in the long term, but it has to be flexible.

Chair: We’re going to hear a final question from Stephen Hammond, and then I will give you all the opportunity to say what you think are the key issues that you would like to see addressed at our hearing.

Q35 Stephen Hammond: I want to take Mr Wood back to what he was saying. We acknowledge that there has been an increase in the number of children in care. You made the point about the lack of practicality of some of the training of social workers and, if I heard you correctly, you also mentioned the potential movement of risk through some of the decisions taken by senior directors. How much of the increase in the number of people in care falls into those two categories?

Alan Wood: In my mind, there is not much doubt that in the past couple of years there has been an impact on the system, whereby in 2008 and 2009 social workers and managers may have considered decisions that would have resulted in a child not being brought into care, but the decision today would be to bring the child into care. That is a partial explanation for the increase in the number of people in care. Another reason, which is significant in many authorities, is the number of 16 and 17-year-olds who are coming into care. That is a big challenge for local authorities. The percentage of looked-after children who are 16 or 17 has grown year on year for the past seven or eight years—it is now a very significant number.

Q36 Chair: What proportion of kids in care?

Alan Wood: As at March 2014, more than 20% of children in care were 16 or 17.

Q37 Chair: Who had come in at 16 or 17, not just reached that age?

Alan Wood: Yes, who had come in at 16 or 17. That is a very significant number, and it is happening particularly in inner-city areas.

If I can return to the point about supporting young people, new arrangements have come into place for foster care: by agreement, young children can stay with their foster carers up to 21. That is a really important scheme, but it needs to be funded properly, which currently it is not.

Q38 Mr Jackson: How adept is the national system at picking up on new trends? For example, take foetal alcohol syndrome, which is an increasingly tragic and unfortunate aspect of social services work. How do you share experience of that sort of thing across the country to start working on it? Is there a mechanism for sharing expertise?

Alan Wood: There are professional networks between local authorities and assistant directors of social care that look at research, but you have put your finger on a really critical factor for the system: the number of children who are born with foetal alcohol syndrome. We do not really know, but we are beginning to understand, the impact of that as they grow older and become adolescents. It is very significant and is beginning to show itself in a number of complexities where, for example, children have been adopted or are in long-term foster care. We need to do more to understand how we can work with such children at a very early age, because obviously they are diagnosed with it at birth.

Mr Jackson: We need better co-ordination, really.

Q39 Mr Bacon: On that narrow point, I have a constituent who campaigns on foetal alcohol syndrome. She told me, to my surprise, that even midwives do not have the level of awareness about foetal alcohol syndrome that one would expect. If there was one cohort of the population you would expect to be completely on top of this, it would be midwives; but apparently the knowledge that should be out there is not as prevalent as it should be. What work is going on between social services directors and children's services departments and the NHS across the country to spread knowledge of the impact of foetal alcohol syndrome?

Alan Wood: Public Health England is looking into the long-term impact of foetal alcohol syndrome, but it is an area where we are weak—where we do not have enough information or enough recognition of the steps we need to take to assist families where children are born into that situation. We may well have been lulled into understanding that, for example, drug abuse through opiates does not seem to have any long-term impact on infants once they are born, but alcohol has a very significant impact.

Q40 Chair: I am going to give you all a chance to mention two or three things you think are really important and that we should focus on, starting with you, David.

David Graham: I would just make a wider point, to add to what has been said. It is about the issue of the family firm. Children in care have a corporate parent: the local authority or the state, however you want to define it. It needs to be more than just children's services paying attention to children in care. Health, criminal justice, housing—so many other Departments really need to know the ins and outs of what is happening to children in care. We know the numbers of children in care who are in the criminal justice system, but it is very hard to get something done. So this needs to go wider—all Government Departments need to look at this.

You asked earlier what we would do. We would potentially go as far as saying about the system, "Rip it up and start again." There have been so many attempts to change little bits, little bits and little bits, and we have not seen a great improvement over the last 20 years. If we had a chance, we would say, "Let's go back to the drawing board with a blank piece of paper and use an evidence-based approach, with experiences from young people themselves, to look at what works and what doesn't work."

Q41 Chris Heaton-Harris: Sorry for jumping in, but could I just challenge you on that? Didn't you say a tiny bit earlier that, when you look at people post-16— when they get to 25 or whatever—

they all say the experience they had in care was as good as it was likely to be? Isn't ripping that up a bit—

David Graham: It was better than being in their family unit, depending on what was going on. They wouldn't necessarily say that the care experience itself was as good as it could have been—often, it could have been a lot better—but they realise, looking backwards, that had they stayed where they were, they would not have got to the level they got to.

Q42 Mr Bacon: Wasn't the Laming report all about ripping it up and starting again, because of Victoria Climbié? Wasn't the whole upheaval of creating children's social services a direct consequence of the Laming report, which was a direct consequence of Victoria Climbié in the London borough of Haringey? As a result of ripping it up and starting again, we had baby P in the same borough, despite enormous upheaval. What makes you think that ripping it up and starting again now is going to produce anything better?

David Graham: You have to ask the right questions. I mentioned earlier that some of this is not just process stuff; it is philosophical stuff, building on the ADCS's processes—

Q43 Mr Bacon: Sorry, ADCS?

David Graham: The Association of Directors of Children's Services started looking at what care is for. You have to ask that question: what is care for? What are we trying to do?

Q44 Mr Bacon: Are you saying that Laming was really just all about process? I thought it was about getting people to talk to each other.

David Graham: It was about getting people to talk to each other, but I think everybody still has different ideas about what we are doing and what we are trying to do. Until we all have some agreement about the outcomes for these young people—

Q45 Chair: What is care for, then?

David Graham: For us, care has to be about giving that young person the best possible opportunity to be the best person they can be.

Q46 Chair: Which is the view this Report says the Department has. So we have an agreed objective, haven't we?

David Graham: And then the question is: how do we do that? We would say much more emphasis has to be placed on those relationships with young people—listening to the voice of young people, listening to their experiences and taking that into account around service development and service delivery. Often, we hear the view that they are hard to reach. We know they are vulnerable; we know there's lots of trauma going on. Often, there is not an acceptance of that. We know that the behaviour that you see lots of young people in care exhibiting is natural and is going to happen. How can we engage with that in a way that doesn't put barriers up, that doesn't not listen to them,

that treats them with respect and that actually helps them through that trauma, because it is a trauma? The trauma of separation is huge, and we are only beginning to see some of the work on trauma theory and therapy and how we need to support those young people better.

Chair: The other two will need to be very quick, because we are running very late.

Matthew Horton: Building on a couple of David's points, but maybe making a more prosaic addition, I think the only way we translate the idea of corporate parenting into something that is meaningful for a child or young person coming into care is by ensuring that they have the widest range of possible matches that meet their needs as quickly and appropriately as possible at the earliest possible opportunity, and the only way we are going to do that is if we get past the issue of placement cost. The NAO made this point in the Report. Local authorities believe and understand their care costs in-house to be significantly less than those of the provision offered by independents or the third sector, but I am not sure that you can make that argument when you consider the kinds and types of children and young people who come into our placements, who are significantly at the most tough end of the placement spectrum.

So I think we have to get past the issue of, "What's the cheapest placement?" and ask the question, "Where is the most appropriate placement for the individual child?" Then we can start to build, practically, on the issue that David has raised: translating what corporate parent means for the child or young person coming into care. That is about saying, early on in that care career, "This is your parent," or, "This is the person who will look after you"—or whatever it is that that child or young person wants from that placement, because it may be 10 or 12 different things. None the less, what it certainly isn't going to be is, "I'm really glad I had that last placement for two weeks and now I'm going to move somewhere else, and somewhere else after that," because you can bet your bottom dollar that's not what a child or young person is going to want from a care history.

Chair: Alan, finally?

Alan Wood: I think that one of the biggest problems we have in terms of looked-after children is the way we measure the educational improvement—the improvement that happens in their schooling. I think we need a different way of looking at that success, because they are a very complex cohort. They are not the same as the national cohort, and I think a lot of good work is under-reported in that we keep using national measures of the national cohort to see the progress being made by a very small and very needy group of students.

Q47 Stephen Phillips: Is there an alternative cohort against which their progress could be measured?

Alan Wood: I think it would be very difficult to construct one. For example, if you look at the percentage of children in care who have special educational needs and compare that with the national cohort of children, it's much, much higher.

Q48 Chair: I have to say that I think that kids, even if they have different backgrounds, have the right to achieve in the same way as everybody else.

Alan Wood: Absolutely.

Stephen Phillips: I don't think anyone is suggesting the contrary, Margaret.

Q49 Chair: The experience, certainly when I was around, was that there were projects—I remember one in Wandsworth, where, just through a voluntary organisation project, the outcomes for the kids in care reached the national average, so it can be done. But if you start with lower ambitions, you'll get lower outcomes.

Alan Wood: Many children in care do over-achieve against the national averages, but many children are in care for a very short time and it depends when you take the measure of what they do. For children who have left school but been in care for two to three years, you do not record how well they have done at school. That really makes it very difficult to do the comparisons.

Chair: Thank you very much indeed. That was really helpful.

Examination of Witnesses

Witnesses: Tom Jeffery, former Director General for Children's Services, Department for Education, Debbie Jones, Director of Social Care, Ofsted, Paul Kissack, Director General for Children's Services, Department for Education, Sir Michael Wilshaw, HM Chief Inspector, Ofsted, and Chris Wormald, Permanent Secretary, Department for Education, gave evidence.

Q50 Chair: This is a big team. Thank you all very much for coming. Thank you for coming back from retirement to revisit your past, Tom. I thank both of you from Ofsted, too.

I will start with the role. Chris Wormald, page 13 says that your objectives are "to improve the quality of care and stability of placements for children in foster and residential care, so all children have a good start in life." That is what was articulated by our friend from the Care Leavers Association. Do you accept that?

Chris Wormald: We accept that that is the objective of the system.

Q51 Chair: Your functions, as set out in paragraph 1.3, are: to set out the statutory duties; to set out the expectations for service performance and targets for adoption; to analyse and collect data to help authorities improve; to take an overview on the way that services are provided and how the market functions; and to intervene where authorities fail. Do you accept that?

Chris Wormald: That is not how we describe it. As I am sure you know, we did not agree the National Audit Office's Report.

Chair: You are going to have to speak clearly.

Chris Wormald: We didn't agree the National Audit Office Report, as I'm sure you know.

Q52 Chair: I am not asking whether you agree but whether you accept.

Chris Wormald: I will give you our description, which is not a million miles from the description in the Report.

Q53 Mr Bacon: Mr Wormald, you say that it's not your description, but footnote 5 says "Department for Education" and then, in italics, presumably the title of the report: "Accountability System Statement for Education and Children's Services". Are you saying that the five bullet points that the Chair just read out are not taken from the DFE document?

Chris Wormald: No, I am not saying that.

Q54 Mr Bacon: You are not saying that?

Chris Wormald: No, sorry.

Q55 Mr Bacon: Okay, so are they taken from the DFE document?

Chris Wormald: They're not taken verbatim. They are the National Audit Office's description of what we put in our much longer Accountability Statement.

Q56 Mr Bacon: But is it inconsistent with the DFE document?

Chris Wormald: Not particularly, no. It is just not very—

Q57 Mr Bacon: Not particularly inconsistent?

Chris Wormald: It is not the way that we describe our—

Q58 Mr Bacon: You said "not particularly" inconsistent. In which ways is it inconsistent?

Chris Wormald: Let me set out how we describe it.

Q59 Mr Bacon: I am just asking you in which way it is inconsistent.

Chris Wormald: Let us be very clear that these are not DFE words, but we don't—

Q60 Mr Bacon: You said that it is "not particularly" inconsistent. I am asking you in which ways it is inconsistent.

Chris Wormald: I'm sorry.

Mr Bacon: You said that it is "not particularly" inconsistent—I am quoting your words—and I just want to know in which ways you think it is inconsistent.

Chris Wormald: It is not our description.

Q61 Mr Bacon: I didn't ask you whether it is your description. I did earlier, but I am now asking you a different question: in what ways is it inconsistent? You said that it was "not particularly" inconsistent, which suggests that you think it might be a little bit inconsistent. I am asking you which bits are inconsistent.

Chris Wormald: We don't describe what we do around targets in that way. We don't describe—

Q62 Mr Bacon: Which bits are inconsistent?

Chris Wormald: The Report says "including setting targets in the case of adoption", but we don't describe our targets in the case of adoption in that way.

Q63 Chair: Do you have a target for adoptions, Chris?

Chris Wormald: We have a series of targets around the processes of adoption.

Q64 Chair: You have targets on adoption, don't you?

Tom Jeffery: Not for the number of adoptions.

Chair: Not a number, but you have a target for how long it takes.

Q65 Mr Bacon: Which of these bullet points is inconsistent?

Chris Wormald: As I said, we wouldn't describe those things like that. I am not saying that we particularly disagree, but I am saying that this is not our description.

Q66 Mr Bacon: You said that it is "not particularly" inconsistent. You don't think that it is inconsistent at all?

Chris Wormald: As I said, that description of targets for adoption is not how we describe it. Is it exactly consistent with what I would say? No, it isn't.

Chair: It is a target; it is just not a target on numbers—nobody ever thought it was a target on numbers. Let me bring in Ashley, because in my briefing I was told that these are words in your Accountability Statement.

Q67 Mr Burrowes: I understand that what has been agreed is the accuracy of the data in this Report. There has to be a level of agreement, otherwise we will completely fall out. What you have not agreed is that the key conclusions and recommendations are supported by the evidence. That is

not to say that you will end up—we have only been through paragraph 1. My understanding is that there is a level of agreement about the data and the rest of the Report but not the key recommendations and conclusions. Otherwise, we are going to have a long session.

Q68 Mr Bacon: This is quite important, Mr Wormald, because it is a basic description. I will read out the preamble to the bullet point: “There are some functions that only the Department can carry out, or is best placed to do”. There are then five bullet points. If we cannot agree what it is that only you and the Department can do, we’re not off to a very good start.

Chris Wormald: No, as I say that we did not agree this Report and this wording was not our words. If you take that preamble—

Mr Burrowes: As I understand it from summary point 24, you do not accept that “the report’s key conclusions and recommendations are supported by the evidence.” If we are going to go paragraph by paragraph in terms of what you agree and do not agree, we will not get anywhere. I understand that there is a level of write-around agreement with all these Reports. Quite exceptionally in this case, as has been made clear, there is not an acceptance by the Department of the key conclusions and recommendations. It is another thing to then go through the Report and say, “Well, we actually don’t agree with the Report. We don’t agree with this or that.” It is not acceptable, and we need to get some level of agreement before we go much further.

Ashley McDougall: If I can confirm—the words in the bullet points were drawn from the Department’s papers and accountability statements. We have taken it from their targets. Not all of the words will be the same. We are happy, and we want the Department to be happy, that the sense of all of those was retained. We passed it to the Department. I was not aware that the Department wanted any changes to any of those words, as Mr Burrowes suggests.

Q69 Chair: Okay. Without the Committee interrupting—Chris, do you agree that only you can set out “the statutory duties of local authorities for children’s services”?

Chris Wormald: Yes.

Q70 Chair: Do you agree that it is your role—that you are best placed or that only you can carry it out—to set out “expectations for service performance for local authorities”?

Chris Wormald: Not in the words here, no. The majority of expectations, as Alan Wood described earlier, are set locally and are locally held to account. I would not agree that only the Department could do that. But does the Department have a role? Yes, it does.

Q71 Chair: We always end up with these ridiculous philosophical debates which have absolutely no relation to reality. Your role—if there is any, or we might as well close DFE—is to do what you can nationally to “improve the quality of care and stability of placements for children in foster and residential care”. I read that out at the beginning.

Chris Wormald: Yes.

Q72 Chair: Part of that must be looking at expectations, which come out of the statutory duties for service performance, including setting targets. You are being really picky when you say, “We didn’t set a target for numbers.” Of course; no one sets a target for numbers, but you set targets for how to deal with adoptions.

Chris Wormald: I am answering the question very specifically, which is what I was asked to do. The question was: is the Department the only body that can do that? No.

Stephen Phillips: That is not what paragraph 1.3 says. It says that the Department is the only body that can do it or is “best placed” to do it.

Q73 Mr Bacon: What it says is, “setting out expectations for service performance for local authorities”. I presume you do not think that local authorities set their own expectations for their own performances. They have to be held to account by the Department to a standard, so someone—the Department—sets out what the service performance expectations are for local authorities.

Chris Wormald: No. We are stewards of the national legislation in this area, but it is a locally managed and locally accountable service. In terms of who sets individual expectations of services, that is done locally.

Q74 Mr Bacon: The word individual is not in there. Someone has to say to local authorities, “Here’s what we expect you to do.” Who is that?

Chris Wormald: What we expect local authorities to—

Mr Bacon: Who is that?

Chris Wormald: No—

Mr Bacon: Not no—you can answer my question.

Chris Wormald: Am I allowed to finish the point?

Mr Bacon: Mr Wormald, there is no need to say no. What I really want you to do is answer my question. Who sets out what local authorities are expected to do?

Chris Wormald: There is no one person. The expectations are set first by the relevant Acts of Parliament, which are extensive, secondly by statutory guidance that the Department issues and, thirdly, by the framework of inspection set by Ofsted. There is no one—

Q75 Chair: The inspector sets the standards or you set the standards? You direct the inspector as to what to inspect under the standards you set.

Chris Wormald: No. The responsibility for setting the framework—

Chair: No, setting standards.

Chris Wormald: In terms of standards, they are not set particularly by the Department—

Chair: Setting standards, against which you have then— *[Interruption.]* Sorry, we shouldn't all interrupt. Give him a chance to answer. Setting standards against which Ofsted then inspects.

Paul Kissack: It depends which sector. We set in foster care national minimum standards and we set in residential care national minimum standards—

Chair: And then Ofsted is instructed by you to inspect.

Paul Kissack: —but in other areas of the framework, particularly when you are getting into issues which Alan Wood and others were talking about as being the essence of good care, which is about the quality of frontline practice, the description of good practice is set out by the Chief Inspector within the framework.

Q76 Chair: So you decide the standard, do you?

Sir Michael Wilshaw: We decide, on the basis of the frameworks that we publish, what standards we expect local authorities to subscribe to.

Q77 Dame Anne McGuire: Do you just pluck them out of thin air or is there any engagement with the Department about what those standards should be?

Sir Michael Wilshaw: Well, their standards are built up over time. We obviously consult with the Department on those standards, and also with local authorities as to what those standards are and should be.

Q78 Dame Anne McGuire: But Ofsted is the unilateral arbiter of what the standards should be?

Sir Michael Wilshaw: Well, I mean, this is a debateable issue, because when local authorities fail their inspections or require improvement, we expect the Department for Education to intervene. Ofsted does not intervene; the Department for Education does.

Q79 Chris Heaton-Harris: Not to be pernicky, but what does local accountability mean to the Department?

Chris Wormald: Well, much as Alan Wood described it earlier. Local authorities are responsible for their performance to their own councillors, their own electorates and to their own local accountability measures, particularly through the local children's board.

Q80 Chair: How many are you actually intervening in at present?

Chris Wormald: 21.

Chair: They are so accountable you are intervening in how many?

Chris Wormald: 21. Shall I get on to—

Q81 Chair: No, I want to get through the list. It just seems to me we are again playing around with words. If you think it is right for the Department to intervene in 21 instances on the basis of inspections carried out by Ofsted, that strikes me there is something at the centre about how you are setting the standards against which you then judge the performance of individual local authorities. It is nothing to do with blah-blah about local accountability: this is you at the centre, determining—

Chris Wormald: No, I'm sorry, Chair—

Chair: No, otherwise you wouldn't intervene, Chris. You are intervening in 21 instances on the basis of your agency telling you.

Chris Wormald: Yes, we intervene in cases. Fair enough. That was not what I was objecting to. I don't think you can write off local accountability as blah-blah. The relevant Acts of Parliament—

Chair: You're trying to hide behind it for saying, "We have no responsibility."

Chris Wormald: No, I'm not saying that.

Chair: You do, and you exercise it.

Chris Wormald: No, I am very sorry, Chair. I am not saying that. I am saying that the Department has a series of roles that flow out of the Acts of Parliament passed by this House and we carry out those things, which sets this, as Alan Wood described it earlier, as a locally managed, locally accountable system that is done within a national framework of law and inspection.

Chair: I'm afraid that is blah-blah. Let me go to the next one.

Chris Wormald: Well, I'm sorry you think it's blah-blah, but unfortunately it is how the system is set up.

Q82 Chair: Let me just go to the next one. Is only the Department best placed to collect and analyse performance data to help local authorities?

Chris Wormald: Again, we are not the only, but we certainly have a role in that area.

Chair: You agree with that?

Chris Wormald: We are not the only organisation that does it, because local authorities do this for themselves—

Q83 Mr Bacon: Are you best placed, though?

Chris Wormald: We are best placed to do the national side and, as you discussed with the witnesses earlier, we do collect and publish a lot of data in this area.

Q84 Chair: Are you the only or the best placed to take an overview of the way services are provided and how the market for residential and foster care is working?

Chris Wormald: Again, I don't think we are the only people who are able to do that. We certainly have a role to play in that area, but I thought the debate that you had with the witnesses earlier in fact brought the issues around the balance of national and local commissioning very clearly to the fore, and I don't think you can get to the position in that area where there is a one and only organisation that can do it.

Q85 Chair: And the last one.

Chris Wormald: Yes.

Chair: Okay, can I just go back to the market, because we ought to start on that.

Q86 Dame Anne McGuire: Can I just have clarification there? The Department has agreed two out of the five. Is that my interpretation?

Chris Wormald: Only on the basis of the phrase that is in the preamble there around the "only". We describe our role in detail in the accountability statement, which is a lot more detailed than what is here, and we categorise it into three categories. One is the national stewardship of the legislative system; the second is around—

Q87 Chair: I have no idea what that means. What does national stewardship mean? It is just another word, Chris. That is why it is so irritating. What does it mean?

Chris Wormald: In terms of what we do around that, it is mainly around the statutory guidance that we issue in line with the—

Q88 Chair: No, but it is about guidance, it is about setting expectations, it is about collecting and analysing performance data, it is about taking an interest in how the market is working and it is about intervening, isn't it? Isn't that another way of talking about stewardship?

Chris Wormald: No, we had only got to the first of my categories. My second category is that we have a range of responsibilities around helping the system to self-improve, which will include most of the things that you have just described. Our third area of activity is around intervention in failure, which is very tightly defined in the legislation as failure to carry out a statutory duty. So we characterise what we do in those three broad categories.

Q89 Dame Anne McGuire: So, just to clarify, you only accept two of the five functions identified in the NAO Report?

Chris Wormald: As the only person, yes. Do we have a role—

Dame Anne McGuire: No, it does not actually say—

Chris Wormald: Yes, it does say “only”, actually.

Q90 Dame Anne McGuire: We are bumping around here with semantics, but it actually does not say “the only”; it says “the best placed”. Can I ask again: are you saying that the Department is best placed in only two out of the five bullet points that have been identified?

Chris Wormald: I think that that is where we got to, though, as I have set out, we have a role in the other three, but with the other three that is a shared role.

Q91 Dame Anne McGuire: But you do not accept that you are best placed?

Chris Wormald: Well, in some cases the local authority itself is best placed. In some cases, as Sir Michael has just described, Ofsted is best placed.

Q92 Dame Anne McGuire: So this is not a semantic issue. You are not just complaining about the words.

Chris Wormald: It is and it is not. Is it very important to be clear about the accountabilities? Yes, of course it is. Actually, I think that the law in this area sets it out extremely clearly, both in the Children Act 1989 and in the Children Act 2004. All those functions need to be carried out, and the way in which the care system works, as I thought came out very clearly from the way in which your three witnesses described it, requires a lot of shared responsibilities between different agencies.

Q93 Chair: How many people have you got working in this area in the Department?

Paul Kissack: Within the children’s social care area, there are 140 staff at the moment. But for some of the issues covered here, which would include things like pupil premium, there is a greater number for that across the Department as a whole.

Chair: 140 people. How many people are actually working on the implementation of the Children Act and looked-after children?

Paul Kissack: I would say about half of those are looking specifically at—

Chair: Seventy.

Dame Anne McGuire: Can I ask the NAO, given that Mr Wormald has said that he only really accepts two of these, how we got—

Chris Wormald: That is not quite right.

Dame Anne McGuire: So we are bandying around semantics here, then?

Chris Wormald: I was asked to be very specific in this area. There are a number of these issues—this comes out throughout the discussion that you have just had, in the Report and indeed in everything around this—where progress can only be made if a number of statutory organisations share responsibility. We have already had discussions around how the health service and social care need to work together to deal with some of the issues Mr Jackson raised. That is true across the piece, so it is not one of those areas where it is very easy to say, “There is a single body that is responsible for this.”

Q94 Dame Anne McGuire: I think we all understand the integration of services for children. The phraseology, I assume, that the NAO has put into this paragraph has been very precise in that you did not say that the Department had total responsibility; you said that they were best placed because they are the lead Department on children’s issues. Is that a correct interpretation?

Ashley McDougall: That is correct. There has got to be a balance, and that is why some are “only” or “best placed”, because we know that the Department will have some responsibilities and local authorities have responsibilities. It is going to be both parties participating in this, and I am not actually sure that we are that far apart. We did not realise that this was contentious, and we had no comments from the Department.

Chris Wormald: This was not one of the things I was expecting to disagree with.

Chair: Let us move on.

Sir Amyas Morse: I want to make quite an important point. I understand that the Department objects to the overall conclusions, but we have not had any note of a disagreement with this description before this hearing. I am just putting that on the record, because we have now spent half an hour or so talking about something which was a form of words to try to abbreviate the whole of the Department’s statement of accountability. If we are going to go through like this—this is disappointing, to be frank. It is not fair to cover that because we had a careful discussion about the points of disagreement. This is not something that we have not talked about; we have talked about it a great deal.

Chris Wormald: No, and I was not expecting to disagree. I go back to my first comments about that, which is that we do not particularly disagree with these things; they are not the words that the Department has published, but we did not have a particular problem with them, so I was not expecting to spend half an hour assessing it either.

Q95 Chair: Okay, let’s move on because, as you can see, it is rather irritating to many members of the Committee. The meat of the Report says that over the past five years outcomes—or however you are currently measuring how well the state provides for the very vulnerable group of children who are taken into care—have, on the whole, not improved and in some instances got worse.

I will just pick out the ones that are obviously important. The gap in educational outcomes between children in care and their peers has worsened—page 28, figure 6—since 2008-09. For stability of placement, none of that has improved since 2009, although that was one of your major departmental stated objectives of the work that those 70-odd people do. Why?

Chris Wormald: Sorry, I do not fully understand your first statement. If you look at figure 6—we did agree the numbers here—the large attainment gap between children in care and their peers has begun to narrow slightly. It is not getting worse since 2010.

Q96 Chair: I think I took children with—

Chris Wormald: I'm referring to the exact figure to which you referred.

Q97 Chair: I took it from page 28. Look at 2008. The attainment gap between children in care and their peers began to narrow slightly from 2011-12 to 2012-13. If you take it back to 2008-09—in lots of ways the NAO Report was generous to you—the gap between children in care and their peers was 38.1%, and today it is 42.7%. It went up, and it is beginning to come down but it is considerably worse than it was five years ago.

Chris Wormald: No.

Q98 Mr Bacon: What do you mean, no? It was 38.1 and now it is 42.7. Are we going to have to argue about every single point? Are you saying that 42.7 is not worse than 38?

Chris Wormald: You said five years ago, in 2010.

Q99 Mr Bacon: 2008-09. One, two, three, four, five; there are five bars, one for each calendar year.

Chris Wormald: Over that period, quite clearly. It got worse in the late 2000s and then it began to improve.

Q100 Mr Bacon: Do you agree that it is worse now than it was five years ago?

Chris Wormald: On that number, yes.

Q101 Chair: Why?

Chris Wormald: For some of the reasons that Alan described earlier. The measurement of educational attainment of children in care is extremely complicated and we do not understand all the movements. It is only fair to say that.

Q102 Chair: So what do these 70 people do? I will come to Sir Michael because he might be able to help us on this. Either Tom Jeffery or Paul Kissack—why? Going back to what we think these people are doing in the Department; if they really have a purpose, it is to try to understand how you

can improve the quality. Looking at the long-range stats over a five-year period, why has there been no change?

Paul Kissack: One thing that we do is—as Alan Wood suggested—to try to take a more sophisticated look at what the data are showing and try to form some of the better comparator groups that Alan was suggesting. One way that we do that is to strip out special educational needs status, which is obviously hugely different within the looked-after children population. For figure 6, for example, if we were to look at the attainment of children who are looked after and do not have SEN status, the gap would have narrowed from 35 to 30 over the same period¹.

Q103 Chair: Yes, but I bet if you looked at SEN in 2008-09 and then in 2012-13, you would not see a different relationship in that period.

Tom Jeffery: There are differences across a range of educational indicators. If you look at key stage 2, for example, the gap in maths has narrowed very significantly indeed. In most areas, the absolute attainment of children in care has improved very significantly. It is sometimes the case that the overall attainment rate has improved more quickly and the gap has widened, and it is something—

Q104 Chair: But the overall achievement of children in the population on the whole has improved.

Tom Jeffery: That is my point: it has improved more quickly than for those in care, but both have improved.

Q105 Chair: Yes, but we want equality. Maybe Sir Michael can help us.

Sir Michael Wilshaw: I think attainment is shockingly poor, and the gap is shockingly wide. As a result, a lot of these youngsters leave school and care and become members of the NEET population. That is the responsibility of the local authority, but it is also the responsibility of schools, which receive large amounts of public funding through the pupil premium. When we inspect schools as well as local authorities, we expect them to focus on looked-after children and make sure that there is a co-ordinator in the school who oversees their progress, but also that the people in the school link well with the local authority's virtual schools co-ordinator. There is somebody in each local authority now who is funded to ensure that children in care in the local authority receive a good education. I just wonder how they report to the DFE.

Paul Kissack: We are in regular contact with a lot of virtual school heads. They actually have a national conference this week, which of course the Department will be attending. This is a relatively recent change to the statute; we now require all local authorities to have virtual school heads. As with many aspects of service provision in this area, one of our principal sources of

¹ Note by witness: There is an error in what I said. I should have ended this sentence "...the gap would have narrowed from 38 to 30 between 2009/20 and 2012/13".

information is the Ofsted framework. Most of the Ofsted reports that I have seen under the single inspection framework will pass comment on the quality of support coming from virtual school heads.

Q106 Stephen Phillips: I am trying to get a handle on where this is going. Sir Michael, you described there being a shockingly bad attainment gap between looked-after children and the general cohort. Is it getting better or not? That is all the Committee really wants to know.

Sir Michael Wilshaw: I think that at key stage 2, it is getting slightly better, but only slightly better; it is still shockingly wide.

Q107 Chair: Why?

Sir Michael Wilshaw: I think it is shockingly wide because of poor accountability. If we are paying through public funds for the appointment of a virtual schools co-ordinator or virtual school head teacher—somebody employed by the local authority to oversee the progress of looked-after children—that is their job: to report to the Department for Education on how well those children are doing. It is the responsibility of schools, which get double the amount of pupil premium funding for looked-after children. When I was a head, I made sure I appointed somebody senior in the school to track the performance of looked-after children. It is a moral responsibility.

Q108 Chris Heaton-Harris: Sir Michael, you have gone through a number of these. My education authority area is Northamptonshire, one of the authorities that you have seen and that has not done particularly well out of the inspection. I am hoping that you have seen some areas that you have not failed—21 is quite a big number and certainly covers a wide geographic swathe of the country—and that there is some half-decent practice out there. Is that the case?

Sir Michael Wilshaw: Yes. There is good practice out there, and we know where that good practice resides. So does the Department.

Q109 Mr Burrowes: We don't know where good practice lies in relation to fostering.

Debbie Jones: In relation to fostering, the single inspection framework will look at the achievement of all looked-after children, wherever they are placed. The majority of children, 75%, are placed in foster care, so we absolutely do look at those young people and comment on them in our inspection reports.

Q110 Mr Burrowes: I can understand the focus in relation to adoption. The release of information to enable proper benchmarking has not been done to the same extent in relation to fostering.

Debbie Jones: As far as our inspection report is concerned—

Mr Burrowes: No, beyond the inspection report. This involves the Department.

Paul Kissack: Which information did you have in mind?

Q111 Mr Jackson: I think Mr Burrowes is referring to paragraph 2.39 of the Report, which makes a distinction between the clarity and transparency of the information for adoption and fostering, and that for the wider category of looked-after children. I think I am right in saying that it basically says that information is effectively hidden from the lay person. That is what it says here. It says that the Department does not publish scorecards for local authority children's services on the same basis as it does for adoption.

Paul Kissack: We publish an annual performance table on a set of measures, which includes all looked-after children, alongside adoption. In fact, I think we published the latest one in December. For individual local authorities, we have the local authority interactive tool, which has an even greater number of measures covering the full looked-after children population, and which allows local authorities to benchmark their performance against other local authorities.

Q112 Mr Jackson: You are going slightly off the point. I am not talking about local authorities benchmarking against each other, but about clarity and transparency for the people who live in the local authority area. I will read the paragraph. "It is difficult for local people to hold their council to account for its performance on foster and residential care. The Department annually publishes supplementary tables to its 2 major Statistical First Releases that set out local authorities' performance. These Microsoft Excel tables are long, detailed and published as annexes in the statistical section of the pan-government website, GOV.UK. By contrast, the Department publishes adoption scorecards that have graphs illustrating trends in headline figures for each local authority." Are you going to review that so there is some kind of openness and accountability for these data?

Chris Wormald: As Alan Wood described earlier, we are in discussion with ADCS and others about the data we publish and about making them as useful as possible. We took a different, new approach to adoption scorecards recently—their introduction was not without controversy with local authorities and others. It is an innovation that we are looking at extremely closely.

However—this gets to the measurement difficulties question—in adoption, it is reasonably obvious to see what your headline numbers and the things you should track are, given that the actual professional decision making is hermetically sealed in a court decision. You measure the time that the various processes take. It is generally seen to be a universal good that those processes are done as quickly as possible. Bluntly, it is quite obvious what you should put on a scorecard. The debate that you had with your witnesses showed that very clearly. What your headline metrics for foster care and children in care are is a highly controversial and difficult area, and a lot of the most important judgments are qualitative, not quantitative.

Q113 Chair: Honestly, there are well-worn metrics, such as how often a child gets into a new placement, what the child's educational outcomes are and what the health of the child is like. It is not that difficult, Chris.

Chris Wormald: The second half of my answer will answer you. We, therefore, think that the published Ofsted reports are the best things to hold local authorities to account, because they look at both the quantitative data and have a qualitative judgment.

Sir Michael Wilshaw: It comes back down to the issue of accountability and intervention. One of the things that schools do pretty well now is to keep data on the progress of their children,

including those with special educational needs and those who are looked after. That progress is tracked on a weekly and monthly basis. When we inspect schools, we want to see those data. All schools know how their looked-after children are doing. They should inform this virtual school's head teacher about what progress looks like for children in their school. It is absolutely essential that the Department for Education regularly collects those data and intervenes quickly with local authorities that are not doing well.

Q114 Mr Burrowes: Is that agreed, with respect to that level of intervention?

Chris Wormald: As I said earlier, our powers for intervention are closely circumscribed by statute to where a local authority is failing in its statutory duty. Our usual test of whether it is failing in a statutory duty is the Ofsted inspection. Where we have a local authority about which we have concerns about its performance, the first thing we do is ask Debbie and—

Q115 Chair: Can you just say, do you agree or don't you agree with what Sir Michael said? Just do it very quickly. Do you agree or don't you?

Chris Wormald: Basically, yes, but I am just explaining the process by which we do so, which is based upon inspection.

Q116 Mr Jackson: I will just give you a helpful example in that it is not necessarily a question of finding the excuses or rationale for intervening and discharging your statutory powers, but the Report tells us that 34% of children are moved within a year. It might be very instructive to find out why that is. If there is a regional basis, if there is a particular issue of more child sexual abuse in an area, then the more transparency and daylight on these figures the better for assisting professionals to deliver the goods.

Chris Wormald: Yes, and all the numbers that are included in here are published by the Department. What I was saying is that we do not intervene, except in very exceptional circumstances, simply on the basis of the data. The data causes us to ask questions, like the one you have just asked, about performance. Where there are questions about performance, we would ask Ofsted to go and do a proper inspection of that authority and if they were found inadequate on that inspection, that is when the Department intervenes. So in almost all cases—

Chair: I have to say to you that the Report says you don't use the data and you only intervene on the back of Ofsted inspections.

Chris Wormald: That is true.

Q117 Chair: What has been suggested to you by Stewart—and I have a queue of people—is that it might be more sensible, with your 70 people working there at the cost of the taxpayer, to have some regard to the data in terms of what you then do.

Chris Wormald: We do have regard to the data.

Tom Jeffery: In the Department we have been collecting further data—

Chair: There is no point collecting it and sitting on it waiting for something else to happen.

Tom Jeffery: —on placement moves and the reasons for placement moves precisely so that we can ask those questions.

Sir Amyas Morse: That is very encouraging. I think what Sir Michael was saying is that the Department should be collecting data. Can I just check whether you are also planning on collecting data on the success—or not success—of virtual heads? You have put this innovation—it sounds very exciting and Sir Michael is referring to it, but how are you going to know whether they are making a positive difference or not? You are not collecting that data at the moment, and I know it is very early days, but what are you going to do about that to know whether it is working or not?

Paul Kissack: Well, our hope, of course, is that virtual school heads, as Sir Michael has set out, will help to drive up—

Chair: I am sorry, Paul, you are going to have to speak up. The acoustics are awful.

Paul Kissack: The intention behind virtual school heads, as Sir Michael rightly alluded to, is to set high ambitions and to challenge schools. The metrics, in that sense, will be around educational attainment, which are exactly the metrics we have been talking about. The actual role of virtual school heads—what constitutes good practice and what is making a difference—is a much more qualitative judgment and is best decided by Ofsted inspectors looking at what virtual school heads are doing, which is exactly what is happening under the single inspection framework.

Q118 Dame Anne McGuire: Sir Michael, your eyes narrowed there. Was there a particular reason why they narrowed?

Sir Michael Wilshaw: It is important that their roles and responsibilities are clearly defined and somebody checks up on whether they are doing their jobs properly or not. It is really important, since they are publically funded, that they report not just to the DCS in a local authority, but to the Department.

Paul Kissack: And to provide some reassurance, their roles are very clearly defined in new statutory guidance that we have set out following the introduction of the new statutory requirement to have virtual school heads.

Sir Amyas Morse: So, in that case, you will be assessing how well they perform, based on information?

Chris Wormald: They are local authority employees and they are performance managed via the local authority.

Q119 Chair: So you will not be assessing the value of these people nationally?

Chris Wormald: We look at the overall quality of a local authority in providing its services and we do it largely by—

Q120 Chair: Will you be looking at whether this new role, which Sir Michael thinks is very important, is working?

Chris Wormald: We look at whether the system as a whole is working.

Q121 Chair: Will you be looking at whether this new role is working and having the effect that you hoped?

Chris Wormald: As a part of our overall process of inspecting local authorities, yes, via the way we do things. Are we doing something specific outside? No.

Q122 Dame Anne McGuire: I think I might now understand why Sir Michael's eyes narrowed ever so slightly there. We are getting mixed messages here. We have the head of Ofsted saying that this is an important role, it's an innovation and he expects that there is some accountability to the Department. We then have the permanent secretary in the Department saying, "Well, actually, it might be the local authority's responsibility. It's not really ours—we'll collect the data." Where is the accountability?

Chris Wormald: They are local authority employees, and they are managed by the local authority system.

Dame Anne McGuire: I understand that bit.

Chris Wormald: They operate within a system of national inspection. If Ofsted has concerns about how one is operating in a particular area, I am sure they will report on that, and we would intervene as necessary. We would not deal with virtual school heads in any different way from how we would deal with any other part of the system.

Chair: It would be really helpful, and I think the temperature would go down in the room, if you just answered the question. Anne will ask the question once more. Just give an answer directly to the question.

Q123 Dame Anne McGuire: We have conflicting opinions over where accountability goes in terms of virtual heads. Sir Michael, I think, has an expectation—albeit that these people are local government employees, and we accept all that—that there is accountability to the Department, because we are talking about this fantastic initiative, which is linked to what the Department has said about strategic objectives for looked-after children. Where is the accountability?

Chris Wormald: The primary accountability rests with local authorities, but within the national framework that I have described.

Q124 Dame Anne McGuire: Right. Sir Michael, is that satisfactory?

Sir Michael Wilshaw: We inspect once every three years. It is really important that the Department collects that data on a regular basis so that they can intervene much more quickly when things start to go wrong. After all, if the analogy is with schools, we have league tables. You know

how schools are doing on a regular basis. The Department intervenes with schools, shuts them down, turns them into academies or whatever. This is no different.

Q125 Dame Anne McGuire: So are you saying that, for some of the most damaged children, coming from really quite challenging backgrounds, the three-year cycle of inspection that Ofsted currently undertakes is not suitable to meet their needs?

Sir Michael Wilshaw: We have those routine inspections. We are quite happy to inspect on a more regular basis, on the instructions of the Department, if they have the data to identify when things are going badly wrong.

Q126 Stephen Hammond: Can we continue on data, but move to part 3 and data on costs? Whose responsibility is it to ensure that the data provided on the costs of care in part 3 is accurate and comparable?

Chris Wormald: In the first instance, it is the local authorities in their section 251 returns, which are audited by their own auditors and then sent to the Department.

Q127 Stephen Hammond: Given that the Report says that a number of 251 returns are inaccurate, what are you doing at departmental level to ensure the quality of the data is being improved?

Paul Kissack: Every year, after the 251, we run a consultation with local authorities to try and understand how to improve the quality of that return so that it continually improves over time. We do recognise there are problems with the quality of the data. Those problems tend to rest at the lower levels; the aggregated figures tend to be of a higher quality. The Local Government Association has always been a bit sceptical about the section 251 returns, and they recently commissioned CIPFA to undertake an investigation. On the back of that, they have agreed that there is value in the 251 returns, but they are working through some recommendations on how to improve them further.

Q128 Stephen Hammond: What is your benchmarking tool, which you made a lot of, going to do to actually improve the quality of the data you are going to receive?

Paul Kissack: The likelihood of the data quality improving is partly a factor of how useful local authorities find it—it is a chicken-and-egg situation. The more we can use this data to set the benchmarking tool—we have worked with the LGA on that—the more local authorities will demand improved financial data on which to do their benchmarking, and that should lead us back into more of a virtuous circle on the 251.

Q129 Stephen Hammond: Isn't even the data you have causing some concern? Obviously, averages hide a whole load of things, but if you look at paragraph 3.13, you see the sheer range of the costs. Now, you can say that that is because of a lot of poor financial data, which we have just been talking about, but the real worry—you can talk about value for money for councils—is that the figures must mean that there is a huge difference in the quality of provision for the children in care.

The Report says this is not to do with house prices, so we can take that out. If that is not the problem, there must be other factors. It must be the provision of care. Doesn't that ring any alarm bells?

Chris Wormald: We have had a look at this issue within the Department. It is one of the things that we discuss a lot with ADCS and others. There is no correlation that we can find between local levels of spend and what Ofsted then find when they inspect that provision. There is no clear and obvious relationship between the level of spending by a local authority and the quality of its output. Is that range worrying? It is certainly surprising.

Q130 Stephen Hammond: As guardians of the public purse, if there is no obvious trend in quality, should we not be saying that everybody should be spending £15,000 and not £57,000?

Chris Wormald: These are extremely good questions. Our work on this area showed that the cost drivers of the system—I think is one thing on which we and the National Audit Office did agree, actually—are not well understood and a lot more work needs to be done. We do not, as a Department, given that it is not our money, take a specific view on what the cost of care should be, but it is certainly something that local authorities should look at.

Debbie Jones: What we have found clearly in our inspections, when we look at the demographic differences, is that you can have a very good authority providing excellent care and planning properly for the children for whom they are responsible, and then you get another authority with the same kind of problems, and you get a completely different picture. Obviously, we do not look at value for money, but we do look at the way in which local authorities plan for the individual needs of the children that they have in public care. We are very clear about that, and we look at that and comment on that in our reports.

Q131 Stephen Hammond: If you are not responsible for the cost, you have a statutory duty on the quality of care that is being provided—is that right?

Chris Wormald: No. We have a duty to intervene where statutory functions are not being carried out.

Q132 Stephen Hammond: If the variation is so large—notwithstanding what Debbie just said, because I accept there will be some differences—where in that scale, when you see that financial data, does it trigger an intervention on the basis that there must be concerns about the quality of what is being provided?

Chris Wormald: For the reasons that Debbie just set out, that is not one of the things that we do. We intervene on the basis of the quality of the care provided, regardless of whether people have spent a small amount or a lot on it. Our trigger for intervention is whether the care is good enough, not the level of budget.

Q133 Stephen Hammond: How can you be sure what the quality of care is if the cost variation is so wide?

Chris Wormald: Whether the care is of good quality is measured by the Ofsted inspection framework and their inspections of the quality—as in the outputs of the system, as opposed to the cash inputs.

Q134 Chair: What do you use the data you collect for? Chris tells me you don't use it for anything. What do you use it for?

Paul Kissack: Principally, we use it as a means of supporting sector-led improvements.

Q135 Chair: What does that mean?

Paul Kissack: We will take the data, which the NAO Report says in some instances feels a bit inaccessible, and we will make it more accessible by putting out data packs for local authorities. So for example, in December, we put out—

Mr Bacon: Sorry—data what?

Paul Kissack: Data packs. We will put out probably about 50 slides of charts and maps and graphical illustrations of the data. We put out more information on the residential care market in this country than at any time in the history of the Department, as far as I can see, through these data packs.

Chair: You just put it out there.

Q136 Mr Bacon: This speaks directly to what Mr Wood said earlier about information. He said that the problem is not the lack of collecting information. It also speaks to what Mr Graham was saying. He said “I go to conferences up and down the country and I hear about lots of good practice” but—I paraphrase what he said—“There is no local government place, or even a place at the DFE where people say ‘There is enough evidence to say that this works and you have to do it.’” Why not?

Paul Kissack: I don't think that's true.

Mr Bacon: You don't think that's true—it's wrong.

Paul Kissack: Let's take virtual school heads, as we were talking about that earlier. We initially piloted virtual school heads. We did an evaluation. Ministers took the decision that there was enough evidence to support it, and we have implemented it, with Parliament's permission, into new statutory duties. That is exactly what we do.

Q137 Mr Bacon: I am not saying that I am encouraged that Mr Graham is wrong, but it is encouraging if there is somewhere that people can go and say, “There is enough evidence. This works. We have to do it.” Can you give me some other examples?

Paul Kissack: There is staying put, which was an example that Alan Wood gave. The evidence base on that is somewhat disputed, in fact. There were debates in Parliament during the passage of the Children and Families Act 2014 on whether the evidence was sufficient to support staying put. In the end, it was the view of Ministers and of Parliament that there was, and it is now a statutory duty on all local authorities.

Q138 Chair: What is the statutory duty on local authorities?

Paul Kissack: The statutory duty is the ability for those in foster care aged 18 to stay in care until they are 21.

Chair: Oh, this is after 18.

Q139 Mr Bacon: Are you bursting with another example, Mr Wormald?

Chris Wormald: No, I was going to say that—

Mr Bacon: That you do not particularly disagree.

Chris Wormald: I was going to say that there were areas where I would agree with what Mr Graham said. If you compared the two sides of my Department—schools and children’s services—we have a lot more outstanding practice to draw from on the schools side. If you look at Ofsted inspections of children’s services, there is quite a lot of good practice and considerably less outstanding practice, so we are undoubtedly short of that compared with where we are on the schools side.

Q140 Chair: So what are you doing about that, Mr Wormald, as the permanent secretary?

Chris Wormald: That gets into the things that were described earlier on the innovation fund, which is trying to develop excellent practice, and what is probably the biggest single objective of the Department, which is to improve the quality of social work. When you look at all the issues we have discussed, almost all of them come back to the quality and sufficiency of the local work force and the local leadership. The biggest thing we are doing in this area, following on from the work by—

Q141 Chair: What are you doing to improve the quality of social work at the DFE?

Paul Kissack: Principally, we are focused on the issue that Alan Wood was talking about, which is the quality of new entrants to the social work profession. We commissioned the Martin Narey review a couple of years ago to look at the quality and that found it to be patchy. There is some good quality and overall the messages we are getting back from the directors of children’s services are that quality is getting better. We are not content, however, with the rate at which that is happening.

We have introduced what are sometimes called elite entry schemes for highly talented graduates. “Step Up to Social Work” has been running and is in its fourth cohort. We had 10,000 expressions of interest for the fourth cohort. Frontline, which was launched by the previous

Secretary of State, is in its first year with a cohort of 100. It is often described as a Teach First for social work and was heavily oversubscribed. Within the next few months we will be launching some new teaching partnerships—exactly the sort of partnerships that your earlier witnesses were talking about—bringing together employers with higher education institutions.

We also continue to fund the social work bursary. The Government have, I think, put £500 million into that to support social workers through undergraduate programmes. It is regulated by the Health and Care Professions Council, and we work with them to assess continually the standards that are in place. We discuss with them how to ensure that the standards are at the right level. We fund the College of Social Work, which runs an endorsement scheme on individual courses. It is a new institution within the profession, which was established to try to drive up professional practice. We also have principal social workers in every local authority and a chief social worker to drive practice among the existing work force.

Chris Wormald: We discussed what we can do to make the situation better across a range of the things that you have been talking about. The Department's clear view on what will drive long-term improvements in the sector are those improvements to social work. That is a long-term game, but the Department's position is that it is what will really drive a step change in performance, not just in this area, but in children's services more generally.

Ashley McDougall: As a point of clarification on the section 251 reports, as the accounting officer said, they are all signed off by the local auditors—the local officials—but they are all different, so the actual sign-off is not worth that much. They are agreeing different practices in different places. The comparability is just not there, and I think that that is widely agreed.

Chris Wormald: Yes, that is true across the whole of local government finance.

Chair: That is why you have all those things you do at the beginning that you said you did not.

Q142 Meg Hillier: Stephen Hammond raised the issue of variability and the differences that averages mask in terms of finance. I want go back to educational attainment. To set the context, in 2013, 25% of looked-after children in my borough, Hackney, achieved five GCSEs, including English and maths, and 37% achieved the same without necessarily including English and maths. That compares with an average of 17% in our statistical neighbour authorities—the three around east London—and an average for England of 12%. That means that one London borough—I am sure that there are other examples, but this is the one that I know best—did twice as well as the English average. With the virtual headships, it seems that we are waiting for Ofsted to come in every three years, as though that is equivalent to looking at schools when there are lots of other people who would flag up problems in schools. The Department just sits on the data that are coming in—*[Interruption.]* For the record, Mr Kissack is shaking his head. We have heard, Mr Wormald, that no particular intervention takes place. You say that they are local authority employees as though it has nothing to do with the Department. My worry—

Chris Wormald: No, I haven't said that at all.

Meg Hillier: Can I finish my question? You say that they are local authority employees, but surely with that sort of difference—that is just one example I have given—there must be some good practice-sharing that goes on. If you have one borough achieving at 12% and another at 25%—not

that 25% is any good at all, compared with the rest of Hackney, but it is much better—surely somebody elsewhere in England could learn from Hackney. What are you doing to facilitate that? Ofsted cannot do that alone with three-year inspections, and the boroughs cannot.

Chris Wormald: No, and Paul will describe what we do in the good practice area in a moment. The one thing that I would say is a point that has been made earlier about all these numbers: the correlation between what is done by the services of care and what is done by the school is not very well understood. Hackney also happens to have a range of very successful schools in other ways.

Q143 Chair: You are moving away from the question. What are you doing to share good practice? It does not matter whether the figures might be a bit iffy here and there; there is good practice in some places—how can we share it?

Chris Wormald: I did not say that the numbers were iffy. I said that whether what you are looking at in an individual case is a very successful school—

Q144 Chair: What are you doing to share good practice, Mr Wormald?

Chris Wormald: Paul, do you want to describe what we do?

Paul Kissack: The reason why I was shaking my head is the idea that the Department sits on the data. The data you have quoted are on a public website and we put them out in December.

Chair: But how are you using it?

Q145 Meg Hillier: Putting them out doesn't do anything at all. I was dealing with this as a councillor 20 years ago. As the chief inspector says, the problem is that it is an appalling gap, and it still is. It is a shame on all of us. Any of us who have ever had any involvement in this feel the shame that kids in care still come out badly. The Government collect the data and they go on a website—fat lot of use that is. What are you actually doing about it?

Paul Kissack: We would want to do with them exactly as you have described. We would want local authorities looking at the data and thinking, "What is Hackney doing? Is there something that we can learn from that?"

Q146 Meg Hillier: So you are relying on them to do that.

Paul Kissack: We have created our own website called the local authority interactive tool, which is specifically designed for local authorities to go in and benchmark their performance against—

Q147 Meg Hillier: So, Mr Kissack, let's say I was a councillor or interested party where they were achieving 12%—would you be content with that? Let's say that I was the cabinet member

responsible—would you be on my back, saying, “You are doing really badly. You have to visit Hackney”? Or would you just hope that I happen to see it on the website and do my job properly?

Paul Kissack: One of the things that we want to do is be very careful about how we use the data. The data you are quoting are extremely volatile, because the numbers of children undertaking key stage 4 in any given year in any given council is very small, so imagine Hackney—

Q148 Meg Hillier: We have a total of 354 in Hackney, of which 101 are 16 and over.

Paul Kissack: So the numbers are very small. There is a lot of volatility, which is why we—

Q149 Meg Hillier: But you can see a trend over time, can’t you?

Mr Burrowes: Sadly, the numbers are not that small.

Paul Kissack: But it would be strange to intervene in a local authority on the basis of one data point in a given year on small numbers such as that.

Q150 Meg Hillier: You are taking me very literally. Hackney is doing pretty well compared with other parts of England, right?

Paul Kissack: Yes.

Q151 Meg Hillier: And there is a trend—you can see that. So if there is a trend of poor achievement, don’t you do something?

Paul Kissack: The people who will be looking at that information and considering whether it is sufficient principally will be the people at the local level: the councillors who are responsible for running the services.

Q152 Meg Hillier: This is lovely. I was a councillor and I preface my next comments by stating that I do think that councillors do an excellent job. Nevertheless, many councillors might, for example, have day jobs as well. They might not all be of the top quality, dare I say it. They might not be able to read the data. They might have varying qualities of council officers. What I’m saying is that you might happen to have a rotten borough, or a borough where someone is just not watching this issue because politically—I am afraid to say this—children in care don’t win votes, to be brutal, but parking might and other things might.

Even if a very good council is pushing hard at this, with the cuts going through and the challenges, it might not be concentrating on this issue as much as the chief inspector—I will borrow the word that was used—“morally” ought to. So what is the Department doing to ensure that they don’t get lost, because overall it is a small number, but it is a very critical number? For a child in care, when a problem arises, it has a knock-on impact, not just for them but for their community, and for generations to come.

Paul Kissack: We do the three things that the permanent secretary set out at the beginning. We set the statutory framework, which is continually being raised and uplifted in the sense of introducing new requirements, such as virtual school heads; we put out data and we share best practice when we see it; and we intervene in cases of failure. That is the framework within which we—

Q153 Meg Hillier: What is the point of failure where you have to intervene? Do you intervene pre-failure?

Chair: It might help if we go to either Debbie Jones or Sir Michael Wilshaw, just to ask them, “What do you think the Department could do to put you in a position to identify failure, or pre-failure, so that you can intervene early?”

Sir Michael Wilshaw: First of all, regularly collect the data; that is critically important. If you look at schools, they are improving because the data that we hold on school performance are now excellent. Ofsted produces something called RAISEonline—reporting and analysis for improvement through school self-evaluation online—and the data dashboard, which show how schools are doing in relation to national standards and benchmark standards—the standards of schools with similar intakes. That information goes out on a regular basis every year and on the basis of that we inspect much more regularly if things are going badly wrong. That is the first thing: collect the data on a regular basis. Don’t wait for Ofsted’s three-year judgment—collect the data.

The second thing is that once you get that data and they show that looked-after children are performing extraordinarily badly in that local authority, haul in the director of children’s services and the chief executive and tell them their fortune.

Q154 Chair: Do you want to add to that, Debbie?

Debbie Jones: I wanted to add to it because in addition to being national director for social care, I am regional director of London and I am very familiar with the figures that Meg has just quoted. As part of our work—in terms of interrogating the data, actually holding to account and sharing good practice—the performance of children in care in London is a priority for us, and our element of challenge would be to ensure that where there is good practice, we encourage, support and challenge local authorities to work collaboratively to identify and share it.

Q155 Chair: When I prepared for today, I looked at Hackney and at Barking, and Hackney is doing much, much better than Barking, sadly. I just thought—this was the first time I had seen the data—“Why on earth isn’t somebody getting on with things?” We are spending a lot of money in Barking and Dagenham on it, to support an improvement in quality, and it is really depressing that it hasn’t shifted in the last five years.

Chris Wormald: We don’t agree that nothing has improved in the last five years. Indeed, a lot of—

Q156 Chair: Oh my God, don’t go back to that—“Some key stage 2”—

Chris Wormald: No, I was thinking much more widely than education. If you look at things like truancy—

Q157 Chair: No, we are talking about children in care. We are talking about the most important—

Chris Wormald: If you look at the truancy rates of children, the exclusion rates, the rates for drug abuse and criminal convictions, and health outcomes for children in care, they have all actually moved in the right direction over the last five years, so I don't accept that nothing has improved.

That said, I think we were at slight cross-purposes in this hearing, because what is common ground between all of us is that significant improvements for children in care are needed, and it requires a very long-term effort to do so. What we have been arguing about is the method by which that improvement is driven. The current Government do not accept that top-down performance management is the correct way to drive improvement and they have been focusing on the measures that we have described during this hearing.

However, I do not think that that is a difference of objective. The assessment this Government made was that it was the long-term reform of social work and a self-improving system that would drive the improvements we all want to see, rather than some of the things being described. But I do not think that the objective is in dispute between us. It is a discussion about the best mechanism of achieving that objective where we are not as one.

Q158 Mr Burrowes: That is interesting. The positive outcomes you mentioned refer to national responsibilities in relation to reoffending, drugs and those that other Departments have a national interest in and responsibility for.

Chris Wormald: Yes, and we have a national interest in educational outcomes, but everything we have seen certainly suggests that those improved outcomes come back very clearly to how good the care system is, the quality of the social work and the quality of the foster carers, caring and other provision.

Chair: Okay, I have allowed you a long waffle, Chris. I am going to go to Chris Heaton-Harris.

Q159 Chris Heaton-Harris: I was enjoying the waffle, actually, but I want to pick you up on a couple of points. My points are going to be about best practice and how it is spread. You listed a number of areas where things have improved since 2010, but I am not convinced that you actually know why things might have improved. Somewhere in your Department, you absolutely have this knowledge because when you intervene in a local authority area, things tend not to go backwards any more; they tend to improve. Maybe it is because you have the ABC of what has gone wrong from Ofsted or because you have your own data; maybe it is both those things combined.

I actually found this Report quite disappointing because, as you say, your heart is in the right place. Everyone is pointing in the right direction, but there does not seem to be a kind of joined-up piece when it comes to best practice and spotting the outliers in authority areas where there have been problems. We have accepted that it is not a matter of cost. We just want things to improve,

and I do not think that you are using the best practice that you obviously have within your Department properly.

Chris Wormald: This is a debate worth having. As I said earlier, I think that this sector is short of good practice and the dissemination of it is not as good as it could be. Our view goes like this: we have actually got quite good, as you said, at intervening in failure and getting it up to adequate. The Department is not, and has not been, successful at turning adequate into good and outstanding. That, of course, is what we want to see. The analysis we have done, led particularly by the chief social worker—we enhanced the Department considerably by appointing the first chief social worker that the country has ever had—shows that the move from adequate to good and outstanding is driven by high quality social workers and high quality social work leadership locally, not by a number of the techniques we have discussed around this table.

That is based on the work of Martin Narey; it is based on the work of Eileen Munro; it is extremely well evidenced. That is why our focus has been where Paul Kissack described it earlier in terms of longer-term interventions to improve social work. That would be our answer to your question. How is good practice best spread? It is best spread between very professional social workers doing their jobs extremely well and seeing themselves, as many professionals in other sectors do, as having a responsibility to be at the cutting edge of practice.

Chair: Sue, do you want to come in on that before Chris comes back?

Sue Higgins: I was just thinking of best practice in the context of commissioning places. Two members of the pre-panel talked about the role that the Department or the agency could play in facilitating the commissioning of very specialised placements. Given that that goes to the heart of the Department's objectives for improving the quality of care and stability of placements, I just wondered how the Department was thinking in terms of specialised placements.

Chris Wormald: This is an issue that should be looked at. We are talking about very, very small numbers of people. This is about secure places. It is very controversial in the sector. Some local authorities do not use secure places at all; some almost as a matter of principle; others are very heavy users. We have moved from a situation quite recently where half of the 132 beds—I think; something like that—we had nationally were normally empty to a period more recently where they have been under pressure. Whether there is a national role in commissioning that better is something that we want to talk to local authorities about, but that issue relates to a very small number of very challenging people.

Q160 Dame Anne McGuire: You said there are 132 beds across England. Is that right?

Chris Wormald: 104.

Q161 Dame Anne McGuire: Is that not a case for a departmental role, rather than however many local authorities are commissioning here and there? Is that not why you get into some real difficulties with pressure on places?

Chris Wormald: That is exactly the reason why we are looking at it. It needs careful thought because of the professional debate about whether you should be using that sort of provision at all, whereas there is currently not—

Q162 Mr Burrowes: In terms of secure provision?

Chris Wormald: Yes, in terms of secure provision there is, at this moment, not—

Q163 Mr Burrowes: In terms of child sexual exploitation victims, the report in November identified that commissioning arrangements for those at risk of or subject to child sexual exploitation were undertaken through spot-purchasing arrangements. It was found that children experienced multiple placement moves, “due to poor placement planning and poor commissioning of an initial placement that was failing to meet the needs of the young person.” That was identified by Ofsted in November.

Chris Wormald: Yes.

Q164 Mr Burrowes: So what is the response? I have two questions. First, does the Department accept the responsibility to sort that out in some form or other? Secondly, what have you done about it?

Chris Wormald: I will, of course, comment in a moment. Just to be clear about why this is a complicated issue, there will be local authorities that would say that, for those types of people, taking away their liberty and keeping them in a secure unit is simply not the right answer. Some local authorities do none of that and others think that it is exactly the right thing to do in such circumstances. A very difficult set of professional judgments goes into whether you should use a secure place in the kind of circumstances that you are describing.

Q165 Chair: Out of interest, have you ever spent time with a front-line social worker?

Chris Wormald: Well, I visited one of the units that we are discussing.

Q166 Chair: Have you ever spent time with a front-line social worker?

Chris Wormald: Yes, the last visit that we did to—

Q167 Chair: Watching them work?

Chris Wormald: What you can do to watch a social worker work is quite limited because a lot of it is confidential. You cannot watch various sessions.

Q168 Chair: Have you watched a social worker at work?

Chris Wormald: I have not watched that sort of session.

Q169 Chair: You haven't?

Chris Wormald: No, I have not watched a social worker carry out the kind of assessment that we are just describing. That is why we wanted a chief social worker in the Department who is a front-line practitioner.

Q170 Chair: But you haven't. Have you guys done that?

Paul Kissack: The permanent secretary is quite right about the limitations of shadowing, but I have sat in various child protection conferences and been to home visits with social workers, but that is because I have focused on social work; that is a key part of my brief.

Q171 Mr Burrowes: We just want to be clear: in terms of the Department's responsibility, do you accept responsibility to sort out a central clearing point or some way of avoiding authorities chasing around, which is to the detriment of these very vulnerable people?

Paul Kissack: In answer to your question about where the responsibility lies, I think that this is one of those areas where we have increasingly seen the shared responsibility with Alan Wood and the ADCS towards some form of central co-ordination. It is not necessarily the case that that central co-ordination should sit with the Department for Education; it could be run by an arm's length co-ordination body or by local authorities.

Q172 Mr Burrowes: And a timetable—in November we had a very quick report in historical problems. The issue is increasing, and referrals are probably increasing as a result of the inquiries. Is there a timetable to see how this is to be sorted out and co-ordinated?

Paul Kissack: We commissioned a report in advance of the November report, which we have now received and gives us more information than we have ever had about the demand and local authorities' views. It plays into the debate that the Home Secretary was talking about, about whether it is correct to be locking up children because they are victims of CSE. We have not yet gone to Ministers with policy proposals on the back of those recommendations and we are yet to discuss them with ADCS, but the report came in the week before Christmas.

Dame Anne McGuire: That debate is not new.

Q173 Austin Mitchell: It is not acceptable. You can't have a situation where local authorities have to ring round, as Ofsted says, for spot purchases. Don't we need a network of safe houses?

Paul Kissack: We are effectively providing an informal—

Q174 Austin Mitchell: Isn't it your responsibility to provide this? You cannot expect local authorities to do it.

Paul Kissack: The secure children's homes are provided by local authorities. They are commissioned and run by the local authorities. We have done two things. First, we have put in about £45 million into the estate over recent years to rebuild a few of the homes. Although the statutory responsibility sits with local authorities, we are helping with grant funding. Secondly, we are providing a clearing-house facility in an informal setting. We have no statutory responsibility to do that, but one of the people who is phoned is one of the people I was talking about earlier who sits at a desk in Sanctuary Buildings and helps to find places by phoning around. It is a sort of pseudo-commissioning relationship. I am uncomfortable with that; we need to put it on a firmer footing in an agreed way with the ADCS, and that is the process we are going through at the moment.

Q175 Austin Mitchell: So how does this clearing house work? Suppose we have got a problem such as Rotherham's, and the local authority rings up trying to find safe accommodation for people. What happens?

Paul Kissack: Principally, local authorities will phone directly the secure children's homes or the local authorities hosting them. If they are struggling or if they want some advice—we have a degree of expertise within the Department about the current occupancy in the different homes and we have established relationships with the managers of the homes—sometimes we can help to ensure that happens. The other safety valve in the system is that, although some of the beds are allocated as welfare, some are allocated as justice and fall under the Youth Justice Board. We have a very good working relationship with the Youth Justice Board, which gives a bit of a safety valve if we are running up against capacity.

Ashley McDougall: Chair, these were our words when we had a visit to the local authorities. It was the local authorities that were struggling and were having to ring round. They were unaware of what resources there were, what the occupancy was and what expertise, if any, was in the Department. They were saying to us, "We have to ring round—including Scotland."

Dame Anne McGuire: I'm glad to hear that.

Q176 Chris Heaton-Harris: As you know, I bang on about best practice all the time. I want to come back to Sir Michael. Debbie Jones said when we were talking about the cost of providing better education in some areas that you have seen examples of where it is working. Could you explain to me how that is communicated to local authorities and the Department, and how it could be used to plot a route forward from here?

Sir Michael Wilshaw: We are doing a lot of improvement work with local authorities. What percentage require improvement?

Debbie Jones: It is about 55%

Sir Michael Wilshaw: About 70% of local authorities are not yet good, and about 55% require improvement.

Q177 Chair: Are any excellent or outstanding?

Sir Michael Wilshaw: No.

Debbie Jones: We have no overall outstanding authorities. We have one local authority outstanding on leadership and governance, and three on adoption, but no overall outstanding. However, it is important to remember that in the previous inspection framework, only 3% of local authorities were outstanding, so we are always talking about very small numbers.

Q178 Mr Bacon: Which local authority is outstanding on leadership and governance, and which are on adoption?

Debbie Jones: Hampshire on leadership and governance. I'm afraid I don't have—

Tom Jeffery: Lincolnshire, Hampshire and East Sussex.

Debbie Jones: On adoption, it is East Sussex.

Sir Michael Wilshaw: We have taken it upon ourselves to run best practice programmes with local authorities that require improvement. That is proving to be very successful, and we are building up a bank of knowledge of what a good local authority looks like in particular areas of care.

Q179 Chair: When you say “we”, is that you, Ofsted, talking to DFE, or is it separate?

Sir Michael Wilshaw: Well, the Department knows that we are doing it.

Q180 Chair: Yes, but separately. You don't use all the expertise within the Department to help you do it.

Sir Michael Wilshaw: We do it ourselves.

Debbie Jones: We do it internally, but we regularly have meetings with the Department to share the work we are doing, in relation to the local authorities we are working with and others.

Paul Kissack: The Government has funded different attempts to develop good practice networks of that sort. It used to fund something called the Children's Improvement Board, which brought together the Local Government Association with Solace, the chief executive's organisation, and the ADCS. We funded that for a number of years, until it was decided to withdraw Government funding for it, in part because it is an area that we knew Ofsted was getting into. The Government has supported various improvements in different ways.

Q181 Chair: I think our feeling is that you are sitting on a wealth of data and information. If your purpose is to improve the quality of care, you ought to be using it. It is a simple proposition coming from the Committee.

Chris Wormald: We don't really understand what you mean by sitting on data.

Chair: I'm not going to get into that.

Mr Bacon: Mr Wormald, please, just stop. It really isn't helpful. You may want to watch the tape after this, actually. I have noticed, listening to all the speakers, that you are the only one who makes everybody's blood start to boil. Nobody else does. You should study the speaking style of all the other witnesses, because they seem to manage okay, but when you speak, the temperature seems to rise very quickly. I have a question for Mr Kissack about this information.

Chair: I was going to let Chris go.

Q182 Mr Bacon: I'm sorry. May I? It is about this information. You said there was a tool. To go back, in a way, to Mr Wormald's point, in fairness to him, you said that you do not just sit on it; there is a tool within the website. Can you reiterate quickly how that tool works?

Paul Kissack: Yes. It is called the local authority interactive tool—I presume that that is the one you are referring to.

Mr Bacon: Yes.

Paul Kissack: You go in—you can log in if you are a local authority—and you can use it to do all sorts of benchmarking against statistical neighbours and other organisations. There is a very long list of different data strands on there. I have got the list somewhere, and I think there are probably about 50, 30-odd of which are about looked-after children in particular, and adoption and so on are included as well.

Q183 Mr Bacon: And how long has it been there?

Tom Jeffery: Five years, at a guess, but some considerable time.

Q184 Mr Bacon: How often is it used?

Paul Kissack: It is accessed quite regularly; I do not have the latest data, but I think that is one of the things we can monitor, and I can get that information to you, although I do not have it now.

Q185 Mr Bacon: Yes, if you could send it to us, I would like to know how often it is used. In the last year or so, how many hits has it had? Is it a secure website? Is this tool only accessible by local authorities?

Paul Kissack: You need a password. To some degree, I think there is an expectation that it is increasingly superseded, potentially, by LG Inform, the Local Government Association's version of the same, and we want to be a bit careful about duplicating in future. The LG Inform tool is relatively new, but it is based on exactly the same data strands, by and large, as the in-house DFE version.

Q186 Mr Bacon: If you could send us a note, that would be very kind.

Sir Michael Wilshaw: The question on good practice is a very important one. We are doing a lot in terms of disseminating good practice; we have been doing it for the last two and a half years. It is particularly in relation to commissioning. We know that there are some local authorities that commission and plan places strategically and think very carefully about what is going to happen on a short and long-term basis.

If we know some local authorities are doing that well, their input is extremely important in terms of joint commissioning arrangements. If a local authority doesn't do it well, if they can team up with an ally that is doing it very well, they can get involved in joint commissioning arrangements to plan provision more effectively.

Q187 Dame Anne McGuire: Does that not happen spontaneously, in your experience? Does it need to be facilitated?

Sir Michael Wilshaw: It needs to be facilitated. Somebody needs to say, "That's a local authority in similar circumstances to you with a similar demographic, and they are doing it extremely well. Why don't you team up with them to plan places more effectively?" That is the role of the Department.

Q188 Dame Anne McGuire: You think it is the role of the Department

Sir Michael Wilshaw: Yes.

Paul Kissack: As I said, it is certainly something we do. As part of the innovation programme, a number of the bids coming forward are about joining up exactly those kinds of commissioning strategy across local authorities.

Q189 Dame Anne McGuire: As you have mentioned the innovation programme, can you tell us how many projects have already been funded by the innovation programme, and maybe give us a flavour of what types of project?

Paul Kissack: I certainly can, and I can guarantee that what I am about to tell you will be out of date, because the innovation programme board is meeting at the moment. To date, we are currently working with about 60 different projects, and we received more than 200. We have publicly announced that we are funding four to date; I think 18 were approved in total, but we have not publicly announced what those will be.

The projects cover a very wide range. Some are focused on the restructuring and organising of core social work teams. Some are about innovative practice within residential care. For example, one of the budgets we have announced, in North Yorkshire, is about using two residential care homes as wider hubs for more specialist services for adolescents, including, for example, experimenting with a version of Staying Put for children in residential care rather than foster care, which is how the statute applies; we have announced funding for the tri-borough in London, which is a fundamental reorganisation; and we have announced funding for a project to develop the “Signs of Safety” tool, which is a particular approach to social work that some local authorities use, to be rolled out across a large number of local authorities.

I feel slightly fettered in respect of telling you about all the projects, for two reasons. One is that a lot of them have not been announced yet. But also we are working with about 60 projects—we have put in coaches and technical support to try and develop the projects—but not all of them will get funding and get through the investment board.

It is probably worth saying that quite a lot of this builds on—and this refers back to some of the best practice and specialist placements. We have invested about £36 million over the last few years in developing specialist foster care, in particular, and other sort of manualised, tested from the US, versions of support, either for families to help prevent children from needing to come into care or for foster carers to provide highly specialist support before they move on to more permanent—

Q190 Chair: What does it mean when you say you have developed it? Does that mean that you set up training courses or funded—

Paul Kissack: We have imported from the States tested and evidence-based interventions, like multi-systemic therapy and multi-intervention foster care, and we have tested those in 70 local authorities. We funded both the doing of those programmes within different local authorities, but also we are funding at King’s College a new centre for excellence in these various areas.

One of the things we are seeing coming through the innovation programme is an appetite for a large number of local authorities to take then the next step. So that is one of the things that features prominently in a number of the bids that we have.

Q191 Dame Anne McGuire: To go back to Sir Michael’s point about facilitation of good practice, partnerships, etc., I take it that the ultimate aim of these projects is to test out innovation and then to try and roll out some of the best practice. I hope that you heard the frustration of the previous witnesses about constantly feeling as though they are reinventing the wheel every time something new has to happen, even though it may have happened in two or three local authorities down the line. So I think that is one of the key roles, frankly, for the Department: how you bring that together. Not that you are spending £100 million on innovation, but actually what that innovation means in terms of payback.

Paul Kissack: So it is certainly—

Dame Anne McGuire: And have you got a plan for that? Is that an outcome of the innovation?

Paul Kissack: Yes it is, and it is built into the delivery contract we have with Spring Consortium, who are running the project for us, that they will develop exactly those kind of networks of evidence sharing.

I suppose, for me, first and foremost, the most important thing we get is that we learn more. There will be some projects that we run that do not work, and actually that would be a really useful thing for us to learn, particularly from a value-for-money perspective. So that, above all else, is our No. 1 objective.

Just on best practice—going back to the Permanent Secretary’s comments—we do know quite a bit about getting local authorities from “inadequate” to “adequate” and you are right that we have expertise within the Department, which is doing that. We have had 50 local authorities since 2010 who have gone through our intervention regime, 29 of which have come out.

We probably need a bit of humility about how much we really know about excellence of practice. In a sense, the innovation programme is an exercise in humility. The chief social worker would be the first person to say we don’t know everything about how to look after some of the most vulnerable children in society. We continually learn.

Dame Anne McGuire: We should remember that, as well as talking about value for money, we are talking about value for children and young people—some of the most vulnerable in our community—and it is about how you get that balance right.

Paul Kissack: Absolutely, yes.

Q192 Mr Burrowes: Looking at page 32, figure 9, on the number of placements by type of final placement in the year ending 31 March 2013, particularly placements with relatives or friends: children living with wider family, that whole area. I appreciate that there has been focus on adoption and on other areas of the system, but where is the attention given to those placed with relatives or friends, given that the Report shows that 80% of those living with a relative or friend have one placement, compared with 73% in foster care, 48% in residential care? Plainly, one cannot compare like with like, but nevertheless, given the outcomes that are apparent with those in community care, what is the attention given to it by the Department, particularly on a value-for-money basis?

Paul Kissack: So it is an area that the current Minister has given quite a lot of attention to.

Mr Burrowes: Yes, I appreciate that; I have seen that.

Paul Kissack: And, indeed, the previous Minister. We published new statutory guidance on family and friends care in 2011. It was mentioned earlier that there are relatively few children in family and friends care within the overall statistics. It is worth noting that children who are looked after and in care with family and friends are a very small proportion of the total number of children who are looked after by family and friends, because most of them are not in the care system. About 145,000 children are looked after by family and friends; this is a very small proportion of that.

Ashley McDougall: It’s about 7,000 children, according to the Report.

Q193 Mr Burrowes: Yes, but there's value for money, because obviously those who are placed with a relative or friend are there; they are not going into care. It is a great preventive measure. But there is variability across local authorities in the way they treat discretionary payments to kinship carers, isn't there? Given the good outcomes, is any strategic view taken in relation to trying to see that there is some sort of level playing field across authorities?

Paul Kissack: The Government's position is clear: where they are foster carers and family and friends, they should be treated like other foster carers, and that should include allowances and—

Q194 Chair: Can I come back at you on this, because it takes us to the heart of it? I think Grandparents Plus have done a little study. I accept the numbers may not be big, but they find that 77% said they sought professional support and only 33% received it; 48% said they had been treated rudely, stigmatised or discriminated against; 28% said they were badly treated by social workers; and 42% are living on less than £300 a week after tax and including benefits. They "should". You get the evidence from a survey like that. What do you then do? What is the role, then, of the Department?

Paul Kissack: That is one of those areas where our current Minister does move beyond the core statutory framework that was set out and has decided this is one of his priorities. One of the things he has asked us to do—and we have been doing it—is to put pressure on local authorities to state publicly what their policies are towards family and friends care. Previously, relatively few of them did. From our last count, our last ring-round, we think it is now 95% of local authorities that have published policies on family and friends care, which was not the case before. I am not familiar with that report, but clearly those findings are unacceptable and would not be consistent with the sort of policies that are being put out by local authorities. It gives us some way in to testing whether—

Q195 Chair: So would you push it into the framework?

Paul Kissack: If family and friends are foster carers, they'll be in the framework.

Q196 Chair: I understand. So you've got them to publish a bit more data; we have yet more data. But what is the Department's role in trying to get a change in attitude?

Paul Kissack: If these carers are foster carers, they will be covered by the single inspection framework in the same way, and Ofsted will look at the support that is being provided to foster carers. Some of the national minimum standards for foster agencies are all about the support that is provided to foster carers.

Q197 Austin Mitchell: I'm delighted to hear Mr Kissack's glowing prospects, although that is held out against a background of inadequate performance, which has been nit-pickingly defended this afternoon. Just let me ask about one key part of that performance. Stability of placing is important. Constantly being moved about must be very damaging. I'm talking about kids being moved about as if they were a second-hand fridge or washing machine from house to house. One of the two major objectives of the Department is that we have stability of placing, yet 34% of children

in care had more than one placement during the year to March 2013 and 11% had three or more placements. That's 7,000 children with three or more placements a year—a performance that hasn't improved since 2009. Paragraph 2.18 gives more details. It says that some 300 young people moved placement 10 times or more during the year, and of these, 90% went missing. Well, I'm not surprised at that. Why has performance not improved in the area of stability of placement, and what are you doing about it?

Chris Wormald: I'll comment on the first part of your question first; if we have given this impression, it is not the one we intended to give. As I said before, we are not particularly trying to defend the performance of the system. I think it is common ground among everybody that there is a long way to go before we have a system that we all wanted. What we have been debating and arguing about is what the best mechanisms are to drive that improvement. There is clearly a difference between current Government policy in the Department and a number of the views around this table. That's a fair debate, but I don't think we are disagreeing about what we are trying to achieve.

In terms of placements, more than one in a year is actually not very surprising; a first placement is very frequently an emergency placement or a transitional placement, so it is unsurprising that there is more than one. We tend to focus on the three or more placements, and performance basically came down to 11% from 19% between 1998 and 2008, so there was a very significant improvement². The figure has been static from then on. So, over time, there has been a significant improvement, but what we have not seen is an improvement continuing into the future, which is a concern. There are various things we are looking at, but this has been a very stubborn indicator that has not moved in the last few years.

Paul Kissack: I would just make two points. One is on the data point about children going missing—you said you are not surprised they go missing if they are being moved 10 times. One of the problems we have with the data at the moment is that the very fact of them going missing registers as a placement change.

Austin Mitchell: Well, you might say that.

Paul Kissack: Actually, 35% of the placement changes are accounted for by children going missing, and 95% of those with 10 or more moves have gone missing. So we are changing the data collection to strip out missing episodes, which will be a separate data strand, and to clean up the data we have on placement changes. In addition, as Mr Jeffery said, we are going to collect data on reasons for placement changes. So, to some degree, what we are seeing in the figures is a problem with the data.

In terms of what we are doing, we need, as the permanent secretary said, to be a bit careful at the top end not to assume that more than one placement is a bad thing. Very often, more than one placement is a sign of success, because, if you think about the intensive foster care I was talking about earlier, the intention is for the young person to spend a period in intensive support to allow them to move on to a permanent placement. So, in some respects, the figures represent successful interventions.

² Note by witness: There is an error in what I said. I should have said "...performance basically came down to 11% from 19% between 1998 and 2009".

A lot of what this comes back to is the quality of front-line practice—the ability of social workers to listen to the views of other social workers, work with the team around the child, form really good views on what is in the child’s best interests and then place the child into provision which supports their development. A lot of the social work reform programme is exactly that. The investment we are making in evidence-based programmes around foster care also supports that.

Of course, one thing we are also seeing in terms of placement stability is a doubling of the number of children since 2010 who move into permanence, by which I mean adoption or special guardianship orders. In this area, we are putting more data out into the public domain, with questions for local authorities to ask themselves to test their own performance in this area. The Innovation programme, as was said earlier, includes various bids for things which are designed to work specifically with children. For example, one bid I am aware of is about working specifically with children who have had five or more placement moves to work out what more could be done to support them into greater stability. So, there is a range of work going on in this area, led by the Department.

Q198 Austin Mitchell: But if the system is under pressure, as it is, and if the number of kids coming into it is increasing, which it is, authorities are going to be driven to a process of improvisation, desperately casting around to put children somewhere, rather than paying attention to long-term stable relationships and the kid’s long-term needs?

Paul Kissack: As the chief inspector said earlier, some local authorities are very good at developing their commissioning strategies and having a wide range of placements, and some local authorities are poor at it.

Q199 Mr Bacon: Sir Michael, Monitor, the regulator of foundation hospitals came to see us for a Report a while ago. As part of my prep for that meeting, I met the chief executive of a foundation trust. I asked him what the relationship with Monitor was like, and he said, “Well, when things are going pretty okay, they leave us to get on with it, but when things start to drift, and they have the information to tell them whether things are starting to drift, we feel their hot breath on our necks quite quickly.”

Monitor is an executive regulator with responsibilities for supervision and enforcement. You are—I won’t use the word “merely”—just an inspector, so you can’t take executive action, even if you see that something’s wrong. You rely on the Department. Are you basically saying that, with all these data coming through, you would like to make sure, first, that they are coming through very regularly and, secondly, that they are regularly used in an executive way so that, where things start to drift and authorities start to go off the rails, they quickly start to feel the hot breath of the Department for Education on their back in the same way? Is that basically what you are saying?

Sir Michael Wilshaw: I couldn’t have put it better myself. That is exactly what we want. We want the same principle that is applied to underperforming schools, where we find out things and intervene very quickly through our risk assessment processes, to be applied to children’s services. It is really up to the Department to collect the data that tell them when things are going wrong and then inform us to inspect more regularly than we normally do.

While it is still on my mind, can I just mention missing children? The ones who go missing for extended periods of time are the ones who are the most vulnerable and often get involved in child sexual exploitation. There seems to be a lack of understanding, or a lack of urgency, on how important it is that we have a national register of missing children and that the data that the police hold on missing children align with what the local authority holds. Inspectors express incredible frustration to Debbie and me when they go into a local authority and there are two different lists—one held by the police and one held by the local authority. It is really important that the Department has a handle on that and insists on a national register that is changed on a regular basis. That is one of the things that the Department could do that will act as a trigger for an early inspection.

Debbie Jones: In answer to your first point, as regulators we have a clear responsibility in terms of the enforcement action that we can put in place in relation to children's homes, independent fostering agencies and independent adoption agencies when we hear that things are going wrong.

Q200 Mr Bacon: But not local authorities.

Debbie Jones: Not local authorities. On the missing children front, child sexual exploitation illustrates the tensions more accurately, visibly and immediately than anything else—Paul Kissack has already referred to this—because of the need to strip out in whatever data are collected so that we are all talking about the same young people. Going back to what we heard about in the earlier session on the experiences of young people, nothing can be more confusing than when they are not dealt with in a simple, clear way that makes a difference. That is what we are looking for.

Q201 Dame Anne McGuire: Albeit that we had a ragged start, there has been an opportunity for one or two issues to be raised where there can be greater co-operation between Ofsted and the Department, and if this hearing has done anything, I hope that we have had listening witnesses as well as talking witnesses.

Chris Wormald: I need to put it on the record that the discussion between Sir Michael and Mr Bacon is not a policy position that would be agreed by the Government. That is not our current policy. As always, we will listen to the views of the chief inspector, but that is not the Government's policy position on how improvement can be driven in this sector.

Q202 Chair: I will end it now, otherwise we will go round in circles. Bluntly, that is a pretty shocking statement because of the whole purpose of your role. It is not a question of a top-down approach from the Government telling local authorities what to do; it is about the intelligent and energetic use of the data you have to intervene before things go so wrong that you need a formal intervention to make a difference to children's lives. Honestly, Chris, one of the things that drives my voters and my families potty is when civil servants just see it as an intellectual argument without understanding the impact it has on lives.

Chris Wormald: No—

Q203 Mr Burrowes: Why would it not be better value for taxpayers' money—I appreciate the issue in terms of care—not to

Chris Wormald: In strict value-for-money terms—and you’re going to hate this answer—the money spent on this is not in the Department’s budget; it is in local authorities’ budgets. I said that you were going to hate it.

Q204 Chair: You gave the money. My understanding is that it’s gone through you. You have policy responsibility. The days when you used to give it directly to local authorities are now gone, but to say, “We don’t care about value for money, Ofsted certainly”—

Chris Wormald: I didn’t say that. As I have said several times, I think the disagreement between us and between Government policy and some of the views around this Committee is about how the system is best driven to improve. Now, Mr Bacon set out a perfectly coherent way of driving the system, but it is not the policy—

Chair: I think the people working—

Q205 Mr Bacon: Just finish that sentence.

Chris Wormald: But it is not the approach that the Government have taken in this sector. They are pursuing a different policy.

Q206 Mr Burrowes: Can I repeat the question? I hear about your responsibilities about value for money activity. What is your judgment in terms of value for money? I ask that because the consequences of these missing children go beyond the local authority budget; they go way beyond that. Just in value-for-money terms—I appreciate that there are other concerns—how can you make a judgment not to take any action in relation to that proposal. As a part of the piece of Government, is it something that is—

Chris Wormald: As I say, for the reasons that Paul Kissack and I set out earlier about where the Government and the Department have been successful at intervening and where we have been less successful, we have been successful at intervening in “inadequate” situations. Where we don’t believe that Government intervention is the right way forward is that big challenge that Sir Michael and others have described, which is how you take “adequate” performance and turn it into “good” and “outstanding”. So, in terms of failure—where somebody is failing in a statutory responsibility—yes, of course, we have got a role and we carry it out; I will ask Paul to comment on that particular question. Where we are disagreeing is about what the performance management role of the Department is beyond absolute failure.

Chair: I am going to make this the very last comment from the Comptroller and Auditor General.

Sir Amyas Morse: You are trying to characterise what everybody is saying to you as if it was advocating top-down management, but nobody is, and our Report doesn’t either. What Sir Michael said to you was that the information you collect every three years could be collected more regularly. That is not a policy difference; it is just a practical request, to facilitate him doing his job properly. It’s just common sense.

Chris Wormald: As Alan Wood described earlier, we do a lot of data collection and we will publish it; that is not what Sir Michael was saying.

Chair: I wonder if Mr Kissack is going to have a job in a few months' time³.

Paul Kissack: Can I answer the very specific question about the "missing" data? The chief inspector is right to identify that there has been a discrepancy between the definition used by police and the definition used by local authorities, and we have fixed that. We have run various pilots to use the same definition across police and local authorities, and in the future that new definition will be used. Previously, we only recorded those who had been missing for more than 24 hours; now we will record those who have been missing for any time at all, and the local authority returns will be seen by the local police before they go, so that hopefully the police will agree those data.

Chair: Okay. Thank you.

³ Note from Chair: The Chair has asked to put on record that her comment was intended to refer to the potential future structure of the Department, rather than to Mr Kissack personally.