

Education Committee

Oral evidence: [Narey review of children's residential care, HC 202](#)

Wednesday 20 July 2016

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Members present: Neil Carmichael (Chair); Lucy Allan; Ian Austin; Suella Fernandes; Lucy Frazer; Catherine McKinnell; Ian Mearns; Stephen Timms; William Wragg.

Questions 62 - 89

Witness

Sir Martin Narey, lead, children's residential care review.



Examination of witness

Witness: Sir Martin Narey.

Q62 **Chair:** Sir Martin, welcome to the second part of our discussion on children's services. This is a follow-up session following publication of your report on residential children's homes. The questions will focus on how the review was conducted and some specific themes of it, including Staying Put, the workforce, over-criminalisation and out-of-area placements. One of the issues is that back in January you said you would be very happy to publish the evidence you received. You have attached a summary. Are you planning to publish the evidence?

Sir Martin Narey: There is so much of it that I genuinely thought a summary would be more accessible. I think I provided you with all the evidence in full that we had received at that date. I am more than happy to do that. It would be no great hardship to provide the full evidence, but I am not sure that the size of it would make it very useful. I think the summary is a much more helpful document. However, if the Committee wants to encourage me to do that, there will be no difficulty.

Q63 **Chair:** The Committee would certainly feel more comfortable if we had access to the evidence.

Sir Martin Narey: I think you have had access to almost all of it; there were very few things that came in after I submitted the evidence to you before my last appearance.

Q64 **Chair:** Some people have criticised the transparency of your review on social work education. What are you doing to make it more transparent?

Sir Martin Narey: I would like to argue about the transparency of my social education report as well, Chair. I did this in a very similar way. You can ask people to do reviews in two ways. You can ask them to form a committee or you can give an individual a chance to spend all his or her time probing. I prefer to do the latter, because I find that I absorb more.

The way I approached this was to have a call for evidence, to study the views of this Committee and previous parties on that, and my earlier appearance was very helpful. I have sifted through that evidence with the help of a very skilful group of civil servants in the Department for Education. I then went to meet innumerable people. With one or two exceptions of people whose views appeared very dubious, I have met everyone who asked to see me and many others in addition to that, and followed up leads, which relatively quickly—after a couple of months—started to fall into the categories that have emerged as the chapters in my review.

Q65 **Chair:** Your review does seem to put a spotlight on affordability. Have the Government signalled in any way just what resources might be available for improving residential care?



Sir Martin Narey: No. The Government were absolutely straight on this. There was no restraint put on me for what I might recommend or the cost of what I might recommend but, as I think I volunteered when I came here before, whenever I have done reviews of this nature, whether in criminal justice or, more recently, in the area of education, I have tried where possible to see if improvements can be made that are affordable. It can be very tempting when you are writing a review to make yourself a bit of a hero and suggest all sorts of things that you know no Government of any political complexion could possibly afford. I was very pleased to be able to recommend Staying Close, which I think is possibly the single most important thing you could do to improve residential care. That is improving the way that we guide children into adulthood.

My estimates are very conservative and I was very pleased to see that local authorities can find all that money through better commissioning of what they do now. There is not very much that you would seriously describe as commissioning. There is a lot of buying of places; there is not much commissioning of them. Providers would welcome better commissioning and would willingly lower their prices because at the moment they have to price to plan for the variabilities of significant and unforeseen levels of under-occupancy.

Q66 **Chair:** Commissioning is a key theme that you would like to see developed by the new Secretary of State.

Sir Martin Narey: It is, indeed. I have not been able to discuss this with the new Secretary of State. I had one very general but very encouraging conversation, but I have not been able to discuss any of these recommendations with her. I did with her predecessor, of course, and I have with Edward Timpson.

Q67 **Chair:** She has obviously just been appointed. There are a lot of things she is considering, not least the fact that the Department for Education now has a wider remit. Will you be making contact with either the Secretary of State or the relevant Minister of State?

Sir Martin Narey: Yes, indeed. I did have a conversation with the new Secretary of State on Friday afternoon and I would expect to be meeting her to discuss some of these things. I am very pleased to see the reappointment of Edward Timpson, who has kept a very close eye on the review. I have spoken to him every six weeks or so throughout the review. Although he did not lead me to any of my recommendations, I knew he was pleased with most of them, particularly Staying Close. I would be very disappointed if the recommendations from the review are not implemented.

Q68 **Lucy Frazer:** In my constituency I have encountered situations where people are not happy with the care. You have suggested that often the staff do not have detailed knowledge of the situations children have found themselves in and I often find that parents know significantly more about the children's situations than the council that is placing them somewhere



does. Should there be more parental involvement in commissioning?

Sir Martin Narey: The problem with the commissioning of children's homes is that although you are dealing with a significant proportion of children who are in care under section 20—that is with parental agreement—there is still an understandable parental reluctance about the children being in care. I did not look at this deeply but I was generally quite impressed by the efforts of children's homes to involve parents, to give them a chance to play a part in the lives of the children, particularly those who were under care on a voluntary basis. I think more could be done but it was not a particular area of weakness that I saw.

Chair: Thank you. Lucy Allan is now going to talk now about Staying Close or Staying Put.

Q69 **Lucy Allan:** Can I take you back, Sir Martin, to this issue of Staying Put, which is available for care leavers who are in foster care and who can choose to stay until they are 21 versus what happens in residential care. You have just been talking about the costing element of it. Could you say a bit more about the outcomes for care leavers? In your view, are they going to be impacted by this treatment, which is seen as differential between those in foster care and those in residential care?

Sir Martin Narey: Do you want me to talk about if Staying Close were not to be introduced, or both?

Q70 **Lucy Allan:** Let's hope that Staying Close is introduced. It is really this differential treatment between not having the option to stay put if you are an 18 year-old—you are out of the care system—if you have been in residential care, whereas you could have an option to stay put had you been in foster care.

Sir Martin Narey: I think Staying Put was a great achievement and it has been very encouraging to see the proportion of children taking advantage of Staying Put rising—I think it is now about 50% of children. When I started this study I was very aware of the difficulties of extending that to residential care, and I have recommended Staying Close not as a compromise, but as something that I genuinely think is better.

Q71 **Lucy Allan:** Could you explain why it is better for potential outcomes?

Sir Martin Narey: Of course. There are some difficulties. Occasionally children will stay in residential care beyond their 18th birthday—I have met one or two—but it has to be for very carefully selected young adults, it has to be risk-assessed and it cannot happen on a large scale. To extend a right to children on reaching their 18th birthday to continue to live in a children's home, when they would not be legally in care, when there were issues of authority with staff, when younger children might possibly be in danger—I was very taken with the evidence the Who Cares Trust gave me. It said that younger children of 13 or 14 have said to them that they were quite nervous about the prospect of having a 20 or 21-year-old living in the home and what that would do to the home.



The second reason is that children approaching leaving care and children who had left care—I spoke to many hundreds of care leavers—said to me almost universally that they would prefer something like Staying Close. Thinking back to my own children, I think that is because they are 18 years old and they do not want to stay in a children’s home. Sometimes part of the problem with them leaving care now is that local authorities will often conscientiously offer them a great deal of support, but they are 18 and they are immature and they do not think they need it. Months later they find the bedsit they had thought would be very exciting to be terribly lonely.

Staying Close would be very structured. They might have that bedsit or that supported accommodation, but it would have to be very near the home—I would suggest within walking distance—and it must not be on the basis of feeling free to pop in occasionally. There would have to be something almost contractual. Thinking again of my own children when they were 18, there are some practical things; it is not just popping in. It is going back to have certain meals, being able to take your washing back—the sorts of things that young people leaving home do when they go home to see their own parents—and it has to be enduring. Care leavers convinced me that they would not see that as a compromise, that they would welcome that.

I had very helpful advice from two of the main leaders of the Every Child Leaving Care Matters pressure group, which had been pretty angry about the non-extension of Staying Put. They too impressed upon me that they thought Staying Close was not a compromise but, if properly delivered, formally and contractually and with a reasonably significant financial investment to providers, would be a better alternative than Staying Put.

Q72 Lucy Allan: So effectively it is the separate building plus supported accommodation that the NCB study was offering as an option but in a structured fashion.

Sir Martin Narey: The NCB study was done very quickly and I found it very helpful. This needs quite a lot of work and I am very pleased that the Government have indicated that they are going to have two or three pilots of Staying Close to test how it will work, and not least to test young people’s take-up. My advice is that it will need to be structured. Care leavers very frequently said to me that they were nearly always told to feel free to pop back in to the home they had lived in and they did for a while but then their key worker would move on, they would feel a bit uncomfortable, there would be a crisis with the home, the children would change, and they felt less able to go back. They have to be certain that they can go back.

Q73 Lucy Allan: How can you ensure that is what happens and that the Government do not use it as a cost-saving measure and somehow it is so flexible that it does not manifest in the way that you have just described, which does sound very positive?



Sir Martin Narey: For example, the provider will get a payment for the young adults who are staying close. It will be significantly less than for the children in residential care. As someone said to me during the review, this is support, not supervision. In my view, the home should only get that payment if they can demonstrate that they are offering tangible support to those care leavers.

Lucy Allan: That is great. Thank you.

Q74 **Ian Mearns:** The British Association of Social Workers was critical of your lack of recommendations on improving the children's residential centre workforce. Despite evidence to your review asking for improved qualification requirements for the workforce, you have resisted calls to do so and urged Ministers not to follow the example of Scotland. Why have you come to the opposite conclusion to Scotland's? Did you review the reasons why Scotland came to their decision?

Sir Martin Narey: I have seen a number of responses from the British Association of Social Workers. Certainly the initial response I saw was very welcoming of the report.

I have avoided suggesting this should be an iron-cast rule, but I have recommended that the managers of children's homes should be professionally qualified social workers. I have been very impressed with some of the managers who are social workers, who it seemed to me are rather better at negotiating the way through schools and other issues for their particular children.

I was obviously interested in what the Scots were doing. I did meet people from the Scottish Government to discuss that. It is absolutely their business, but almost everywhere I went, including in a couple of homes in Scotland, I saw and spoke to people who were a little bit troubled by that. They stressed to me that although you clearly need a reasonable level of training and qualification, there are some staff who may not be graduates, were unlikely ever to be graduates but who have a unique capacity to make good and enduring relationships with very difficult children and to suggest that they would not have a place in the future workforce might be very damaging. I have yet to see any evidence to suggest that we will make significant, or indeed any, improvements to the quality of residential care by having an all-graduate workforce. I believe staff should be graduate-led, but I do not think they all need to be graduates.

Q75 **Ian Austin:** The expert group on the reform of residential care said that the current workforce had insufficient specialist knowledge and skills. Can we conclude from your report that you disagree with them?

Sir Martin Narey: I think things have improved somewhat since that report was written. The Level 3 qualification is not perfect; I expressed concerns about it when it is only delivered online. However, staff who had had the rather old-fashioned day-release experience of going to an FE college and doing their course, perhaps with other care workers from



other homes reported very positively to me about it. I think the curriculum is rather good. I am not suggesting that it is anywhere near graduate status but someone who gets their Level 3 qualification, which they have to do within two years of starting work, will have a reasonable grasp of issues such as attachment theory and the longer term consequences of neglect. I think they will be reasonably equipped to do the job properly.

If I was to suggest what greater improvements could be made on top of that, it would not be to change the initial qualification. I would put greater effort into group learning and group training within the residential home. I mention a particular initiative called Respect that had just been assessed by the University of Loughborough as I was going to press. They work with staff in children's homes to ensure they get a common approach from the staff to each of the children—the equivalent of consistency in parenting—the consistency of staff approaches to children being so important. The initial assessment of that is very exciting. That is where I would put the emphasis if I was to put greater training into children's homes.

Q76 Ian Mearns: You seem to be basically accepting, though, that there are staff within settings who have significant personal skills and experience, but if they want to move settings they would not have anything on paper to say what those skills and experience are, apart from just telling people what they have done themselves.

Sir Martin Narey: They would have a Level 3 qualification, which is roughly equivalent to A Levels. I quote here in the report quite encouraging statistics about the numbers and proportion of young people who work in residential care who use that as a platform for a career elsewhere in social care. Some of them go off to university and become full-time social workers.

Q77 Ian Mearns: Overall, are you confident that the skillsets that exist are adequate for the job that is being done?

Sir Martin Narey: I think they need to be kept under firm review, and I am very nervous about online study when it is only online study. But yes, I think the qualification we have, which has only recently been introduced, is a big improvement on its predecessor. I was genuinely impressed with the workforce. I met lots of staff in children's homes who were a long way from becoming graduates, would likely never want to become graduates, and their relationships with some difficult adolescents were remarkable.

Q78 Stephen Timms: I apologise for turning up late and missing the beginning of your evidence. I want to ask about the alleged over-criminalisation—the involvement of the police in children's homes. The Government previously rejected calls for a national protocol on police involvement and you seemed to agree with the Government view about that but you did suggest that the south-east protocol ought to be



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replicated, perhaps nationally. I am not quite clear I know what the difference is between having a national protocol and having the south-east protocol nationally.

Sir Martin Narey: There is not much difference, in truth. I am in agreement with the thrust of the Committee's earlier recommendation on that. That protocol, or something like it, should be in existence anyway. The reason I went for something that talked about replicating that elsewhere is that it is in part designed for the particular counties it represents.

Other local authorities might want to do something very different. For example, last week—obviously some weeks after I finished the report—I visited a children's home in Scarborough, near where I live, where there is a rather different but very successful arrangement that has hugely reduced criminalisation. I went with the police and crime commissioner, who was announcing the permanent allocation of three police officers to work in and around children's homes. That was a rather different approach, but it had been hugely successful and, incidentally, had saved the police a lot of money. They were not doing it entirely from altruism; they were also doing it because it had saved them a great deal of work in processing forms.

I want something similar to the protocols and I thought that was preferable to trying to suggest that a protocol should simply become a national protocol, but the spirit of my recommendation was very similar to what you want.

Q79 **Stephen Timms:** You would like to see the south-east protocol applied nationally but allowing for local variations?

Sir Martin Narey: Absolutely.

Q80 **Stephen Timms:** Thank you. Do you think better training would help staff deal with difficult behaviours in children's homes, perhaps allowing for police involvement to be reduced?

Sir Martin Narey: I think police involvement is much lower than some people would argue. I was very conscious that I was publishing a report a few weeks after first the Howard League and then the Prison Reform Trust published reports saying that—I think this is the expression used by one of those organisations—children's homes sucked children into criminalisation. I probably spent more time on this particular subject than any other. I probed it very closely indeed. I found no evidence for that. It may have been true a few years ago. I found overwhelming evidence of the staff in children's homes, their managers, the police and the Crown Prosecution Service all taking very seriously the need not to criminalise children unnecessarily.

My fear would be that if this was looked at very closely, some members of the public might be rather surprised at the criminal behaviour that is not dealt with formally—I am not suggesting it should be; I welcome the tolerance that is shown. I saw lots of evidence of children being dealt



with extremely sensitively because of the status of being in care. I found every police force I spoke to apparently sympathetic to this. There is a national protocol from the Crown Prosecution Service, which I quote in my report, that is very impressive.

The statistics are very reassuring. Only 6% of children in care right now have a criminal record and the proportion of children in residential care who get formally involved with the police, short of getting a criminal record but even getting arrested, has been falling year on year. I think this is a problem of a few years ago. Local authorities have tackled it with enthusiasm and things, although not perfect, are getting much better. The problem for the police is not criminal behaviour, but getting called out when children put themselves in danger by walking out of homes, and the staff there have some justification in believing that they cannot stop them.

Q81 Stephen Timms: Can I ask you about that specific point? You have called for more clarity on the restrictions staff can place on children to stop them leaving the homes. What do you think the guidance should allow the staff to do?

Sir Martin Narey: As far as possible, it should allow staff to be more like parents. At the moment, roughly speaking, the guidance says that if a child is in immediate danger, perhaps from child sexual exploitation or from gang-related activity, a member of staff can stop that child leaving the home. They can lock the door or, if necessary, the child might be restrained. But I did not prevent my daughter from walking out at 11 pm when she was 16 years old because there was an immediate danger; I did not let her go at all because outside is dangerous.

The Children's Commissioner, who I quote in my report, speaks eloquently about this. We must allow staff in children's homes to do the full spectrum of parenting, and parenting sometimes means saying no. We would protect children much better if it became much more difficult for them to leave homes at night. I said more work had to be done on this because there are some legal issues about detention and so on, but it is horrifying that an already vulnerable child cannot get the same protection in some children's homes, particularly urban children's homes, that they would get if they were living with a responsible parent.

Q82 Stephen Timms: What is it that is preventing staff imposing those kinds of restrictions now?

Sir Martin Narey: A considerable lack of clarity about the legality of them locking the door, for example, or stopping a child going out unless that child is in specific and identified danger.

Q83 Stephen Timms: Do you think the law needs to be clarified?

Sir Martin Narey: Very possibly. I think more work needs to be done. I certainly think guidance from the Department for Education needs to be changed to convince staff and give them the confidence to intervene



when the safety of a child is put in peril. I would say that when you are talking about a 15 or 16-year-old, none of us as parents would be letting our children walk out into a busy city or town after 10 pm or 11 pm, and that is what we should be doing with kids in care.

Q84 **Stephen Timms:** Is there an urban myth that staff are not allowed, that there is something in the law that means they cannot impose those restrictions, or is there something that really is preventing them?

Sir Martin Narey: There are homes that find a way round this. There are homes where this is not an issue, through good management and the relationships with the children. However, I have found good homes where they were very doubtful about this. I had someone seconded from St Christopher's Fellowship—a provider of real integrity—on to my review, and they reported that their staff feel very uncertain about the legality of them intervening to keep children safe in that respect.

Q85 **Stephen Timms:** The Department has a number of proposals for sharing best practice in children's social work. Do you think that an approach like that could be helpful for supporting children's homes as well?

Sir Martin Narey: Yes, I do. For example, I have recommended particularly that an initiative called No Wrong Door that I have seen and admired in North Yorkshire, which has grown out of the Department for Education's Innovation programme, should be given wider publicity and that more local authorities should study that. I am delighted that the Innovation programme will be used to test Staying Close. I think the Innovation programme has been a really helpful development. It has brought forward a lot of imaginative approaches to dealing with some previously intractable problems.

Chair: Last but not least, William on the subject of distant placements.

Q86 **William Wragg:** Sir Martin, several organisations, including the Children's Society and the Who Cares Trust, asked you to recommend the prevention of out-of-area placements except where absolutely necessary. Could I ask what evidence convinced you that location was less important?

Sir Martin Narey: I am from the north-east, as you can probably detect from my accent. I went to a place called The Mulberry Bush, which is in Oxfordshire. It is a remarkable place. It is part children's home, part school. There are some very young and damaged children there. A significant proportion of those children were from the north-east. I felt that if I had been their parent or their local authority social worker I would have wanted them to be there. It was a terrific place. They were making significant progress.

In a lot of places I went to where I saw distant placements, I saw evidence of children thriving and the distance thing being managed; managers talking about the ability to do that through Skype and



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FaceTime, the fact that local authorities will give financial assistance to parents and so on.

I became convinced over time, gleaning a lot of supporting evidence from people who have been involved in this rather longer than me, that the right home should be the first decision and distance from home should come second. That said, when the right thing is to have children at home I think local authorities could do a much better job of commissioning providers to provide homes where they want them.

Q87 William Wragg: Out-of-area placements can make it more likely for children to go missing. The Who Cares Trust said further that it entailed disruption to schooling and “shattering of important relationships”. What assessment have you made of those concerns?

Sir Martin Narey: I found no evidence that distance from home was correlated with a greater incidence of going missing when you took account of the difficulties of the child. I went to a number of children’s homes in rural locations. I think it is quite discouraging to abscond from somewhere if it is in the middle of the Lake District; it is quite hard to do that as there is no bus or rail service. So I did not find any evidence to suggest that was a cause. But I stress this: sometimes there is an absolute need to have a child close to home. I do not think you have 16 and 17-year-olds in distant placements. If they are going to be prepared to leave the care of the state, they need to be where they are going to live. If there are not enough places for such children, local authorities need to speak to providers and commission them, give providers some assurance that, “If you provide a home here we shall use it”, and providers will do that very quickly.

Q88 Ian Mearns: For a previous inquiry we did, we witnessed the placement of many young people from inner London in places like Margate, which from all of our perspectives were a lot less than what we would regard as being appropriate to their needs and were also geographically distant from their original homes. I understand what you are saying about a rural setting, having a very self-contained place in the middle of nowhere where you can have a big variety of activity for young people. The Margate experience was that a lot of children’s homes in Margate, full of kids from London, were placed in areas where you looked at layer upon layer of social problems all on top of each other, all in the same area, and they were a lot less than appropriate.

Sir Martin Narey: I do understand that and it is very encouraging that that particular issue seems to have been managed. All I can say is that I discovered quite a lot of children from London in the north-west. There are more homes in the north-west than there should be and better commissioning would alter that, but in the north-west specifically, where I met quite a few children from the south-east, I did not come across that combination of it being a distant placement and an inadequate placement. I felt that the quality of the placement and the quality of care



could compensate for the complications caused by somebody being distant from home.

Q89 William Wragg: To what extent do you think your recommendations will help fix the disparity of the location of homes across the country? You acknowledged that local authorities can do more to tackle the problems that come with distant placements. Take the statistics for example: London has 6% of the children's homes in the country but 17% of the population of children's homes. Do your recommendations go far enough?

Sir Martin Narey: I hope so. The officials behind me will be the ones who will have to take this forward. I think local authorities need to realise that if they are willing—I am not suggesting that they just give a discount to providers without getting any payback—to have discussions with providers, tell providers about the sorts of children for whom they need residential care, the age group, the sort of home that is needed, what sort of therapy might be needed, give reasonable assurance, not guarantees but reasonable assurance, about the usage of those places, and possibly go into a contractual arrangement for very good pricing on the basis that they would use those homes, then I think providers would move very swiftly to provide more homes in the south-east.

It is sometimes said that property prices make that impossible. I do not believe that is the case. In my report I outline why that can sometimes be exaggerated. A study the National Audit Office did a couple of years ago found no correlation between property prices and where children's homes come up. They grow very quickly now in areas where it is very easy to get planning permission for children's homes and that is not a good way of expanding provision.

Chair: Sir Martin, thank you very much indeed. It has been a very helpful session and is in parallel with some work we have been doing on some other subjects, so thank you.