

Written evidence from Anonymous (CSC 195)

Education Committee

Children's Social Care Committee

Is the current provision of children's social care sufficient to meet demand?

The current provision of children's social care (CSC) is insufficient to meet demand because too little is invested in early intervention and more children could be in kinship care (care by the family or friends). Therefore, too many children are in unnecessarily in "council-bankrupting" care often with profiteering providers. I was given insufficient support, see below.

What factors are causing the increase in demand for children's social care?

I consider that my birth son whom I shall call "Tom" was unnecessarily and unjustly placed in care and subsequently adopted. The then Lord Chancellor wrote to my MP:

"The law is clear that children should live with their parents wherever possible, and that families should be given extra support to keep them together."

I was a single mother with little support and was beginning to suffer from post-natal depression when Tom was about six months old. Therefore, I applied to the manager of a Children's Centre for funding for him to be cared for by a child minder for two or three half-days each week (ie respite care) but did **not** receive a response. When, I asked my GP for an antidepressant, he made a referral and social workers became involved. At the time, there was no perinatal mental health service in Herefordshire.

The social worker suggested respite care (eg for a weekend) but soon afterwards she threatened that if I did **not** go into a mother and baby unit, I would be sectioned and detained in a local psychiatric hospital and my baby (then aged about nine months) would be separated from me and put into care.

Earlier, Tom's social worker commented that she felt she could make many decisions when she previously worked for a council in Gloucestershire. But she felt she had to refer more matters to her (Herefordshire) manager and was concerned that she might be regarded as not being tough enough (or similar phrase).

When I had been in the unit for about one month, the social worker and her manager visited me in hospital to inform me that care proceedings were going to be commenced with the aim of adoption. Care proceedings were authorised by Mr Chris Baird. *The Guardian*ⁱ reported that:

"... high court judge Mr Justice Keehan deplored the decision of the then director of children's services, Chris Baird, to authorise the life support machine of a seriously ill child in care to be switched off, knowing that her mother was on the way to the hospital to say goodbye. The mother did not arrive in time."

See below for more information about Mr Baird.

I had no previous history of mental illness and had looked after Tom well before (as attested by his health visitor) and when we were in the unit. There were no other risk factors: I was **not** in an abusive relationship and I do not drink nor take illegal drugs nor have any addiction. As we were observed 24/7 by the staff, he was safe. I was recovering and if I had been allowed to fully recover, after about a further month, I could have been discharged home with him. In the circumstances, I consider commencing care proceedings was disproportionate and contrary to Article 8, Article 2 and arguably Article 6 of the Human Rights Act.

Article 8 is right to respect for family life. Article 2 is the right to life. To visit me when I was in a psychiatric hospital suffering from depression to inform me that Tom should be adopted (ie permanently separated) was extremely detrimental to my mental health and foreseeably could have resulted in my harming myself. Article 6 is the right to a fair trial and I do **not** consider that the "trial" in the family court was fair. For example, Legal Aid fees were (and are) inadequate. Thus, I consider that I was poorly represented by my Legal Aid solicitor. For example, I did **not** have any contact with my son despite the Interim Care Plan stating:

"Contact will be offered to [me] twice per week for a period of one and a half hours per session, this contact will be fully supervised by The Local Authority in a neutral venue."

In addition, there are many differences between family courts and criminal courts which made and make injustices more likely in the former (see Appendix).

Herefordshire Council have more or less conceded the following about my case:

- ❑ **Insufficient support:** "there should be more support for families and less assessment and intervention [from then Director of Children's Services' {DCS's} letter]."
- ❑ **Misleading records:** "... I extend an apology to you that the quality of case recording ... fell short of your expectations and my own [from then DCS's letter]." I informed him of examples of Herefordshire Council being misleading (3 pages).
- ❑ **Independent Reviewing Officer did not contact me:** "We did not find any note on the records that [Tom's] IRO communicated with you before [Tom's] Reviews [from then DCS's letter]." The role of the IRO is to challenge (eg a social worker) if necessary.
- ❑ **I should have had contact with my son:** "... I am sorry that contact was not supported and facilitated by the service at the time [from then DCS's letter]."
- ❑ **Disregard of parental responsibility:** "... did not find any record of [Tom] needing to see a doctor being discussed with you ... [from then DCS's letter]."
- ❑ **My photograph should not have been displayed in libraries, nurseries** (albeit presumably in the staff area): "I cannot see any circumstance where we or any other children's service would do this ... [from then DCS's letter]."

Following preventable tragic deaths (like "Baby P"), there has been a risk-averse and overzealous culture in many councils in England including Herefordshire Council.

The gist of a *Panorama* programme broadcast on 16 May 2022 was that the council was overzealous about placing and keeping children in care. In other words, children were unnecessarily separated from their families, detrimental to children and very expensive for the council. Subsequently, Herefordshire Children's Services were inspected by Ofsted from 18 to 29 July 2022 and assessed as "Inadequate". A statutory direction (to improve) was issued by the Department for Education. A Children's Commissioner for Herefordshire and an Improvement Advisor were appointed. The former was originally Eleanor Brazil, recently replaced by Deborah McMillan.

Per the Local Authority Interactive Tool, LAIT, (31 March 2024), the rates per 10,000 children are:

Children in care:

- Herefordshire: 114
- Statistical Neighbours' average: 67

Children in Need:

- Herefordshire: 466
- Statistical Neighbours' average: 287

Section 47 enquiries:

- Herefordshire: 276
- Statistical Neighbours' average: 161

Child Protection Plan:

- Herefordshire: 60
- Statistical Neighbours' average: 34

Cafcass care applications rate:

- Herefordshire: 10.30
- Statistical Neighbours' average: 9.05

The rate of placement (adoption) orders in Herefordshire is almost certainly high. The latest LAIT statistics (year to 31 March 2022) for the percentage of looked-after children **adopted** are:

"consent dispensed with":

- Herefordshire: 59
- Statistical Neighbours' average: 45

"application unopposed":

- Herefordshire: 41

- Statistical Neighbours' average: 54.67

In other words, more families opposed the adoption of their children than in similar areas suggesting unnecessary adoptions. The county almost certainly has a high rate of adoption, the higher the rate of children in care (especially babies) the more likely is adoption.

The appendix shows that the better the Ofsted assessment, the fewer children tend to be placed for adoption.

Four damning High Court cases about Herefordshire CSC are in the public domain including the above-mentioned case concerning Chris Baird wrongly authorising a child's life support machine to be switched off. At the time, he was the Director of Children's Services (DCS) in Herefordshire though he does **not** have a social-work-related qualification (per his LinkedIn). A suitably qualified person may have made different decisions in this case and my case.

The current DCS is Tina Russell who used to be responsible for CSC in Worcestershire. Nine-year-old Alfie Steele was killed by his mother and her partner in Worcestershire despite 64 referrals.ⁱⁱ Her predecessor was Darryl Freeman who had been responsible for CSC in Devon when it was assessed as "Inadequate".

I suggest that all Directors of Children's Services are suitably qualified and registered, and better recruited. They would be more likely to reduce the demand for children's social care, for example, by better early intervention and not being overzealous which would reduce the demand for children's social care (eg the number of children in care).

The current social care market, including private sector care homes and care homes run by local authorities

The Competition and Markets Authority, the Independent Review of Children's Social Care and the Family Rights Group (FRG) have criticised the current children's social care market, especially private children's homes and independent fostering companies.

The reasons behind the rising cost of children's social care for local authorities, and ways to mitigate this?

The main reason for the rising cost of children's social care is the increase in the number of children in care and the consequent insufficiency of placements. As shown below the cost of in-house fostering is cheaper than with an independent fostering agency, and children's homes are the most expensive. Cheapest is Family Help (recommended by the Independent Review) to enable a child to remain with their parent(s) or support for kinship care so they are cared for by family or friends. Short-term fostering might help a family to get "back on their feet". The cheaper the cost, the more beneficial it is to children (eg better outcomes, see below). Children should remain with their families (cheapest) unless it is impossible and the most detrimental is being in a children's home (costliest). The Family Rights Group (FRG) recommends Legal Aid for kinship carers and that Family Group Conferences (FGCs) are offered to every family involved with the child welfare system which would identify a possible kinship carer thus increasing the number. FGCs should meet the quality standard

of the FRG (eg an advocate to support the referred child). I understand from the current Director of Children's Services of Herefordshire that now FGCs are offered in the pre-proceedings stage (considering care proceedings). Claire Porter, Director of Governance and Legal Services, did **not** respond to (24/8/2022 and 5/12/2022) emails informing her that FGCs are "statutorily-recommended". Foundations found FGCs prevent children going into care and the net cost saved per child **not** going into care is approximately £66,963 (in the UK).ⁱⁱⁱ

A recommendation of the Independent Review was:

"A windfall tax on profits made by the largest private children's home providers and independent fostering agencies should be levied to contribute to the costs of transforming the care system."

I urge the government to reconsider its decision **not** to implement the windfall tax on profiteering providers. The tax would result in sufficient investment in Family Help which would reduce the number (ie demand) and "council-bankrupting" cost of children in care. The reduced demand would mean that prices would decrease. Also, children would be more likely to be in a placement that suits their needs: one nearer their family and friends, and fostered rather than in a children's home. The private providers have councils "over a barrel" as if a council/family court judges (sometimes incorrectly) that a child should be in care, a placement must be found even if the price is excessive. Councils could buy/operate their own children's homes to reduce costs as Herefordshire Council will invest in.^{iv}

Herefordshire Council has recruited and retained a lower rate of in-house foster carers^v compared with other councils.^{vi} Therefore, many placements are with more expensive independent fostering agencies (see below). In a (2024) CYPSC meeting^{vii}:

"The council's interim improvement director for children's services Gail Hancock said that 'rebuilding trust and confidence' between the council and its foster carers was 'an ongoing process' ..."

The reasons behind the rising cost of children's social care for local authorities, and ways to mitigate this?

The main reason for the rising cost of children's social care is the increase in the number of children in care and the consequent insufficiency of placements. Also, care proceedings are expensive. The cost of support would have been a fraction of the cost of Tom being in foster care and the legal costs of care proceedings.

The average yearly cost of each child in care in Herefordshire (January 2023, per Freedom of Information request FOI2022/01890) was:

- In-house fostering: over £16,000
- Fostering agencies: over £46,000
- Children's homes: over £260,000

In 2023-24, the Children and Young People Directorate spent **£63,500,000** (budget: £51,800,000) ie **overspent by £11,700,000**, including **£8,700,000 on children in care**.

I agree with the arguments of **Prof Luke Clements (of Leeds University) for a statutory public inquiry into Herefordshire Children's Services** in the section entitled "The question" in the below webpage:

<https://www.lukeclements.co.uk/herefordshire-childrens-services-a-public-inquiry-if-not-here-then-where/>

Inter alia, he states:

"... what is needed is an independent process that can call leaders to account for what has occurred – force disclosure of all relevant materials and compel witnesses to testify. At present the only show in town that does this is a statutory public inquiry ... the spectrum of Herefordshire's corporate failings and its hostility to criticism could act as a paradigm case study: an example of what has gone wrong and act as a case study as to what needs to be done [by other councils]."

What measures can be undertaken to improve early intervention?

There should be increased investment in early intervention. The Independent Review recommended investment in Family Help from a windfall tax on profiteering providers of placements (eg children's homes). I am sure that if I had been given sufficient support, this would have avoided Tom being unnecessarily placed in care and subsequently adopted. The only practical help I received from social workers was being taught the actions to the nursery rhyme *Wind the Bobbin Up*. As mentioned above, I did **not** receive respite care.

Nationwide, support could be from the council or other organisations (eg perinatal mental health services).

How children's social care can impact a child's educational or long-term outcomes and ways to improve outcomes for care leavers?

The outcomes for children in care and care leavers are worse than for children and young people with their family or in kinship care. Children in kinship care (ie by family and friends) have better outcomes than those cared for by a "non-connected" foster carer per the Family Rights Group. Children in care have worse outcomes than those cared for by family and friends. Per NSPCC:

"Children in care have below average outcomes across a range of measures ..."

Therefore, a child should be only placed and kept in care if there is no alternative. I cared for Tom virtually 24/7 for the first ten months of his life. Then he was fostered and I did **not** see him until he was about 18 months old at the "good-bye" (ie last) meeting after the placement (adoption) order was made. Therefore, I am sure that he was traumatised when he was separated from me. I asked his foster parent, how Tom had settled in and he replied

that “everything changed” from which I gathered that he was unsettled. However, when we were admitted to mother and baby unit, he took the new environment and meeting new people (eg nurses) in his “stride” as he was with me. I think that all babies and children are traumatised when they are separated from their birth family - whether good or bad parents - and this a main reason for the poorer outcomes of child in care and carer leavers. Albeit, some children must be in care (preferably temporarily) and even adopted.

The current system of safeguarding in children’s social care

Safeguarding in children’s social care in Herefordshire (and presumably in many other areas) is often overzealous, risk-averse and disproportionate as in Tom’s case as detailed above. I am familiar with the cases of two other children from Herefordshire whom I am sure were unnecessarily and unjustly adopted. As shown above, the rate of children in care in Herefordshire is much higher than its “Statistical Neighbours”.

How effectively Ofsted works as a regulator and inspector for children’s social care?

An email from Ofsted dated 7 November 2023, included:

“Please be advised that Ofsted does not have any powers to regulate local authorities and cannot investigate any individual complaints in relation to them. ... Complaints about services provided by a local authority should be directed to the local authority in the first instance. However, if you remain unsatisfied with the outcome, then you may wish to escalate your concerns with the Local Government and Social Care Ombudsman (LGO).”

However, per the LGSCO’s website, they cannot investigate some complaints regarding children’s social care, for example, “matters which have been decided in court”.

Therefore, there is **no** regulator for children’s social care (CSC).

Mr Justice Keehan ordered (in three separate High Court cases in 2018 and 2021) that copies of his judgments be sent to Ofsted. But it was only following *Panorama* broadcast on 16 May 2022 that Herefordshire Children’s Services were inspected from 18 to 29 July 2022 and assessed as “Inadequate”. Therefore, I consider that it is ineffective as an inspector.

Inspecting schools is different from inspecting for the wellbeing of children outside school. Teaching is a different profession from social work. Therefore, I suggest that a new organisation is set up which both inspects and regulates children’s social care and/or a new organisation that inspects councils including children’s social care.

Addition information

Almost all of the above can be evidenced, for example, eg by letters and the notes of Tom’s health visitor.

Appendix: Criminal proceedings compared to care proceedings

Criminal courts	Family courts
Open court	Secret court
Jury	Judge
Public and journalists can attend	Public cannot attend and reporting only if a transparency order*
Accountability and scrutiny	Virtually no accountability and scrutiny
Beyond reasonable doubt	Balance of probabilities
Relatively generous Legal Aid which includes appeals	Meagre Legal Aid and limited choice of solicitors^ Normally, only up to placement hearing (judgement that a child should be placed for adoption), not at an adoption hearing itself and beyond
Fine or normally fixed-term imprisonment, prisoners can have contact with their children	Could lose child for ever
Media etc are interested in miscarriages of justice etc	Media etc are reluctant to get involved in miscarriages of justice etc, worried about contempt of court#
Criminal suspects have many safeguards eg PACE (Police and Criminal Evidence Act)	Few safeguards, judges tend to believe social workers etc
Prosecution and defence are more or less balanced	"Prosecution" has virtually unlimited resources (eg Herefordshire Council's spending on damning High Court cases)

* Journalists and legal bloggers will be able to request a "transparency order" to report on family court cases (from 27 January 2025).

^ Per Law Society website, only one firm based in Ross-on-Wye deals with care proceedings under Legal Aid in Herefordshire

A notable exception is journalist Louise Tickle (www.louisetickle.co.uk)

Appendix: Ofsted assessments and placement order rates

The below shows that the better the Ofsted assessment, the fewer children tend to be placed for adoption:

LA	Ofsted assessment	Year of last* "Children's Services Inspection"	Placement order rate per 10,000 children
Wiltshire	Good	2019	0.8
Cornwall	Outstanding	2019	1.5
Dorset	Good	2021	1.6
Suffolk	Outstanding	2019	2.5
Norfolk	Good	2022	2.6
Herefordshire	Inadequate	2022	2.8
Gloucestershire	Requires improvement to be good	2022	3.0
Somerset	Good	2022	3.0
Devon	Inadequate	2020	3.4
Shropshire	Good	2022	3.5
Cumbria	Requires improvement to be good	2023	4.1

The LAs (local authorities) are "Statistical Neighbours" of Herefordshire.

* As at April 2023

Sources:

- Public question for the 11 October 2022 Children and Young People Scrutiny Committee (CYPSC) meeting, Herefordshire Council
- Ofsted

Endnotes

ⁱ <https://www.theguardian.com/society/2022/oct/01/painful-ofsted-report-in-herefordshire-leads-to-calls-for-resignations>

ⁱⁱ <https://www.bbc.co.uk/news/uk-england-hereford-worcester-68094466>

ⁱⁱⁱ <https://foundations.org.uk/press-release/over-2000-children-per-year-could-avoid-the-care-system-through-family-group-conferences/>

^{iv} <https://www.herefordshire.gov.uk/news/article/1649/cabinet-approves-investment-in-housing-for-children-in-care>

^v 109 children (53%) lived with a foster carer from an independent fostering agency and 95 children (47%) lived with in-house foster carers, Herefordshire Council (7/5/2024) CYPSC meeting.

^{vi} From (18/10/2024) online Social Work News: “There are currently over 100,000 looked after children within the United Kingdom and more than a third (ie >33%) of these are in privately run foster placements.” | <https://www.mysocialworknews.com/article/why-we-should-call-out-profiteering-of-children-in-care>

^{vii} <https://www.herefordtimes.com/news/24309417.worries-raised-herefordshire-foster-kids-safety/>

January 2025