

Written evidence submitted by the Office of the Children's Commissioner for England

Education Select Committee Inquiry: The impact of COVID-19 on education and children's services

About the Office of the Children's Commissioner for England:

The role of the Children's Commissioner was initially established under the Children Act 2004 which gave the Commissioner responsibility for promoting awareness of the views and interests of children. The Commissioner's statutory remit includes understanding the experiences of children and encouraging decision makers to take children's interests into account. Her unique data gathering powers and powers of entry to talk with children and gain evidence, enable her to help bring about long-term change and improvements for children, particularly the most vulnerable. The Children and Families Act 2014 further strengthened the remit, powers and independence of the Commissioner, and gave her special responsibility for the rights of children who are in or leaving care, living away from home or receiving social care services.

The current commissioner is Anne Longfield OBE. Her tenure ends on the 28th February 2021. From 1st March 2021, Dame Rachel d'Souza will take up the role.

Background:

This submission looks at how the pandemic has impacted the identification of vulnerable and at-risk children in England by services. It builds on extensive previous work by the Children's Commissioner on children who are 'invisible' to the system, including findings that even pre-Covid there were around 1.6 million children in families at risk who are falling under the radar of services.

The data analysed in this submission is taken from the publicly available DfE Vulnerable Children and Young People Survey.¹

Executive summary:

- Since March 2020 when schools closed at the start of the first national lockdown, more families have fallen into poverty and all the major risk factors to children – domestic violence, poor parental mental health, and alcohol/substance abuse – have heightened.

¹ <https://www.gov.uk/government/publications/vulnerable-children-and-young-people-survey> Is data collected from local authorities by the Department for Education. There are issues with the design of the data collection. For example, referral data collected across different waves is compared with the 3 year average of the same week across 2016 to 2019, however referral numbers can vary week by week. The CCO accepts the need to treat the data with caution while holding the view that it is still valuable in understanding national patterns. Although the latest survey does record higher than average referrals (by 7%) across the most recent week analysed (28th Dec – 3rd Jan), it is advised to treat figures with caution due to the timing of the holidays from year to year. It is therefore not known whether this is a sign of referral numbers beginning to increase again or not.

- At the same time there has been a significant fall (by 9% compared to the last 3 years) in referrals to children's services as children became increasingly 'invisible'. Children have been out of school for most of the year, less likely to attend health services, and are less able to access informal support like children's centres, many of which closed or moved online throughout the year.
- Many local authorities anticipated a spike in social care referrals in September with the school return. However, this spike did not occur.
- **In November 2020, referrals were 9% lower than usual – despite schools being open at this time, so better able to identify vulnerable children.** The current national lockdown and school closures risks even more at-risk children going undetected and not getting help.
- The response from councils has been varied, and the CCO is concerned that some councils have taken insufficient steps to discharge their statutory duties to ensure the safety of all children in their authority. Local authorities have also had access to emergency funding, although the returns on this funding suggest very little has been directed towards children's services.
- The Children's Commissioner's believes that that all local areas need to be urgently and proactively working to identify vulnerable children who are not coming to the attention of services as they would usually do. Otherwise children at risk in increasingly harmful situations will remain invisible to the system.

Even before the Covid-19 pandemic there were nearly 2.2 million children in England living in households affected by any of the so-called 'toxic trio' of family issues: domestic abuse, parental drug and/or alcohol dependency, and severe parental mental health issues.² The national lockdown and months thereafter only made family circumstances more difficult. Alcohol sales rose³, major domestic abuse charities reported increases in calls, and psychiatrists issued stark warnings about declining parental mental health.⁴ Between April and September 2020, the number of child deaths and incidents of serious harm to children where abuse or neglect were suspected was 27% higher compared to the same period in 2019.⁵

Against the backdrop of these increased risks to children, many children became invisible to the safeguarding safety net composed of schools, nurseries, GPS etc. Between late May 2020 and early January 2021, the total number of safeguarding referrals to children's social care was 9% lower than the average for the previous 3 years⁶. This was largely driven by a drop in referrals from schools – at times during the lockdown these were down by up to 82% compared to the same point in 2018. Some local authorities (LAs) were therefore braced for the school return in September, expecting a surge in referrals of up to 250%⁷.

This, however, did not happen. The latest data shows that referrals to children's social care in September

² <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-childhood-in-the-time-of-covid.pdf>

³ <https://www.bbc.co.uk/news/uk-wales-52442936>

⁴ <https://www.rcpsych.ac.uk/news-and-features/latest-news/detail/2020/05/15/psychiatrists-see-alarming-rise-in-patients-needing-urgent-and-emergency-care>

⁵ <https://explore-education-statistics.service.gov.uk/find-statistics/serious-incident-notifications>

⁶ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957499/Vulnerable children and young people survey - waves 1 to 17 - Feb 2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957499/Vulnerable_children_and_young_people_survey_-_waves_1_to_17_-_Feb_2021.pdf)

⁷ <https://news.sky.com/story/child-protection-referrals-could-soar-by-250-with-lockdown-easing-social-workers-warn-12033079> Kent, alongside numerous other LAs including Westminster and Buckinghamshire warned of referrals spiking in September.

2020 remained 5% lower than the 3-year average of the same week across 2016 to 2018⁸. Furthermore, referrals were 9% lower than average in November⁹ - *a month when schools were open to all children*.¹⁰ It is expected that referrals will fall again with children out of school during the current January-March 2021 lockdown, on top of rises in poverty and other underlying risk factors¹¹. It is very concerning that referral rates remain at such odds with estimates of numbers of highly vulnerable children, and these continuously low rates raise questions about whether enough action is being taken locally to locate these children who are going under the radar.

The latest data published in February 2021 also shows that:

- Only 4 out of 17 waves of the survey saw higher referrals than usual – this was highest in August 2020 at 11%.¹² High August numbers were driven by greater referrals from police, individuals and health services.¹³
- The total number of children who entered care between 27th April and 3rd January was 7,130. This is around 28% lower than the same period in 2016-19.
- A growing number of LAs have been reporting more complex referrals coming through which are more likely to result in assessments being undertaken.

Covid-19 heightened the need for safeguarding partners to work together to identify vulnerable children, a message which has permeated government guidance since the start of the pandemic.¹⁴ As a result, children deemed vulnerable have rightly still been able to attend school during lockdowns, and have been prioritised in other ways, such as for face-to-face visits from professionals. The flexible definition of ‘vulnerable’ in guidance¹⁵ has provided an important safety net however the system is still wholly reliant on certain children being noticed by professionals. Those who miss out on being classed as vulnerable become even more hidden. Moreover, only 8% of children deemed as vulnerable were attending school during the first national lockdown.

The Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of all children

⁸ September average has been calculated from the two figures given for September.

⁹ Compared to the 3 year average of the same week across 2016 to 2018. It is understood that referral volumes varied significantly between LAs

¹⁰ The ADCS has reported that “a surge in referrals took place from October onwards for some authorities, whilst others saw referrals return to their normal levels. However data published in its recent report only extends to September 2020, at which time referrals were still down on 2019:

https://adcs.org.uk/assets/documentation//ADCS_Safeguarding_Pressures_Phase7_FINAL.pdf

¹¹ All the major risk factors to children – domestic violence, poor parental mental health and alcohol/substance abuse have been heightened by the Covid-19 crisis. See

<https://www.childrenscommissioner.gov.uk/report/childhood-in-the-time-of-covid/>

¹² Average has been calculated from the two surveys completed per month.

¹³ Compared with the same weeks in 2018. One possible reason for this could be that referrals in August are generally lower than other times of year, but this drop did not occur in 2020.

¹⁴ <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>

¹⁵ Early guidance made room for children deemed ‘otherwise vulnerable’, to include children not receiving statutory support. The guidance in January 2021 widened the definition even further:

<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>

in their area who are in need, not just those who have been referred to them.¹⁶ In line with this remit, some local authorities have shown great initiative in responding to falling referrals by channelling resources into different areas. Furthermore, since March an additional £4.7 billion has been made available to councils to cover additional spending, albeit across both adults and children's social care.¹⁷

Some examples of how local authorities have addressed this include:

1. Raising awareness about what the public can do if they are worried about a child. Organisations in Norfolk drove up contact to Children's Social Care by 42% with an awareness campaign co-designed by young people after the local authority saw a drop in referrals in the first 2 weeks of the lockdown¹⁸. Hull council teamed up with the NSPCC and launched an appeal to reach vulnerable children during the lockdown to drive referrals after they fell by 15% compared to last year¹⁹.
2. Strengthening relationships with other organisations supporting families on the ground. Cumbria LA has seen a steady rise in new referrals since improving relationships with food banks and helping them feel confident in making referrals.²⁰
3. Taking advantage of data to better identify and monitor vulnerable children. Stockton on Tees, for example, developed a thorough database in response to Covid-19 through close partnership working between the LA, CCG, local service providers and individual Health Trusts.²¹
4. Being proactive in offering early help and welfare services to families most in need. Birmingham LA, for example, set up an emergency fund in April to support 7,500 families with essentials such as food, medicines and nappies.²²

Some areas, however, have not taken steps to proactively locate children suffering behind closed doors, and therefore appear to still be waiting for a surge of referrals to come in. This is particularly worrying given the further national lockdown with schools closed again, and with almost a year of disruption to education and other children's services. Some councils will have lost a year of time that could have been spent building and strengthening referral pathways beyond schools, police and health. Council workforces have, of course, been doing outstanding work supporting children referred to them and families who proactively seek support, but these approaches are unfortunately not enough when the usual mechanisms for identifying children are not

¹⁶ Children Act 1989, Section 17

¹⁷ £3.2bn in March and April, £500m in July and a further £1bn in October:

<https://www.gov.uk/government/publications/covid-19-emergency-funding-for-local-government> and

<https://www.lgcplus.com/finance/further-1bn-for-councils-announced-by-johnson-13-10-2020/>. These figures do not include funding announced for 2021-22: <https://www.gov.uk/government/news/funding-boost-provides-councils-with-certainty-to-plan-for-year-ahead-with-51-billion-funding-package>

¹⁸ <https://www.local.gov.uk/covid-19-good-council-practice>

¹⁹ <https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/council-nspcc-vulnerable-children-lockdown-4124205>

²⁰ Information shared directly with the Children's Commissioner's Office

²¹ <https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/Resource%20%20Data%20Tools.pdf>

²²

https://www.birmingham.gov.uk/info/50224/birmingham_children_s_partnership/2156/birmingham_children_s_partnership_-_resources

operating as usual.

LAs must be properly resourced for this extra work, and while emergency Covid-19 funding has helped some councils kick off initiatives, much more is needed to sustain them and to support the newly vulnerable children who become known to LAs. 9 in 10 councils are projecting an overspend on children's social care this year,²³ in which case they will struggle to launch new projects from their existing budgets. The extent of funding challenges facing LAs has been laid out in the February 2021 ADCS Safeguarding Pressures report.²⁴

In addition to a reduction in safeguarding referrals, the new data highlights that 28% fewer children are entering the care system than in previous years – which, combined with the other trends in family risk factors, suggests that abused and neglected children are being left in harm's way for longer. Although there is no definitive answer for why this is happening, court delays²⁵ and delays to other direct work with families offer some explanation.

Some local authorities have reported that cases being referred to them are more complex, and increasingly involve young people on the 'edge of care'. This comes at a time when there are already significant backlogs in the Courts.²⁶ Further research also suggests there could be a 24% increase in children being looked after further down the line.²⁷ With a capacity crisis in children's care even pre-Covid-19²⁸, it is vital that budget is made available for LAs to do intensive work with families to prevent children becoming looked after, and so that LAs can develop plans to meet their sufficiency duties. There is scope for creativity and innovation – Bristol council, for example, worked with Home for Good to mobilise the local Christian community to consider registering as foster carers²⁹. More than ever before, there is a need to build more capacity into the system, and bring brilliant people into the care system, who are skilled enough to care for children who may have been subject to harm in households far longer than they should have been. This needs to be top of mind in the upcoming independent review of the social care system³⁰.

The Local Government Association (LGA) has called for urgent reinstatement of £1.7 billion for early intervention which was stripped from LA budgets between 2010/11 and 2018/19³¹, and the Commissioner has called for a recovery package for children, including this investment in early help. The decision in November to pursue a 1 year spending review rather than 3 year³² seriously hindered the ability of councils to plan ahead for the next few years. A recovery package for children is therefore needed more than ever.

²³ <https://www.countycouncilsnetwork.org.uk/over-600-vulnerable-young-people-a-day-referred-to-councils-after-lockdown-with-an-increase-in-demand-for-family-support-during-the-pandemic/>

²⁴ https://adcs.org.uk/assets/documentation//ADCS_Safeguarding_Pressures_Phase7_FINAL.pdf

²⁵ Following the national lockdown, the duration of care proceedings reached its highest level since the 26-week rule was introduced in 2014, despite the number of cases falling from 2019 levels:

<https://www.communitycare.co.uk/2020/10/12/length-care-cases-10-weeks-26-week-target-back-covid-19/>

²⁶ The Public Law Advisory Group addressed these concerns in a report published in December 2020:

<https://www.judiciary.uk/wp-content/uploads/2020/12/Public-Law-Advisory-Group-Report-Dec-2020-1.pdf>

²⁷ <https://www.publicfinance.co.uk/pf-perspectives/2020/08/sharing-rewards>

²⁸ <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/12/cco-pass-the-parcel-children-posted-around-the-care-system.pdf>

²⁹ <https://www.eauk.org/news-and-views/fostering-hope-in-bristol>

³⁰ <https://www.gov.uk/government/groups/independent-review-of-childrens-social-care>

³¹ <https://www.local.gov.uk/child-centred-recovery>

³² <https://www.gov.uk/government/news/spending-review-to-conclude-late-november>