

Written evidence submitted by Mr Ed Nixon

My name is Ed Nixon. I am a social worker by profession, though now retired. In a career spanning over 45 years I worked, initially, as a field social worker and manager in a Local Authority for 20 years before transferring to manage all of the LA's Looked After Children's services for the next 7. At this point I joined the independent sector as CEO of a small company which eventually operated 6 children's homes, a small IFA and an Ofsted registered school all supported by an internal therapeutic service. At the time I left (after almost 14 years) each service was judged to be either Good or Outstanding by Ofsted. I left because of a change in ownership that I considered (and was proven correct) was placing profit before great child care. For the next two years I worked as an independent child care consultant before agreeing a two year contract with the ICHA as Deputy CEO. I retired, aged 67, at the culmination of this contract. In 2013 I was the co-founder of the Every Child Leaving Care Matters Campaign and still chair that Board. I also sit on the Board of Trustees of Pure Insight, a wonderful charity supporting Care Leavers based in Stockport and working across Greater Manchester, into Cheshire. Finally, I sit on the Advisory Board of Career Matters, a company supporting children in care and care leavers in not becoming NEET!

I am conscious of the need for brevity and as such some of my responses may be shorter than in required to do them justice.

Educational Outcomes

Educational outcomes for children in children's homes are poorer than their peers who are not in care. This is an accepted fact and has been for as long as children's homes have existed. Fewer than 6% go on to University. Yet the children who enter those homes are every bit as intelligent as those with whom they compare unfavourably. Why is this?

The reasons are many including:

- Children are routinely placed in children's homes "as a last resort". Almost invariably children in children's homes will have experienced several or frequently very many, previous placements. Sir Martin Narey, with whom I have worked, found that the average length of stay was 7 months. This is not because children cannot and do not settle into their children's home very successfully for years – many do. It is because the average tumbles when considering and adding in all of those children placed in an emergency or with little or no planning, or many miles away from their previous home or in crisis. Perhaps they are placed in a home contracted by the LA although the Statement of Purpose clearly shows that it cannot fully meet the child's needs.
- It frequently takes many months for a child placed in a children's home to be allocated a school. This is an established fact despite the situation being that children in care are entitled to be given priority when it comes to allocation of places.
- It is inevitable that children who have had many previous placements will have had a disrupted education and inevitably, therefore, have fallen behind

their peers who commonly will have completed the whole of their secondary education in one school following one curriculum.

- Children from care are labelled as being problematic and as such are frequently 'avoided' by headteachers of schools and academies, some of whom are on record as allocating a maximum number of places either in the school as a whole or sometimes in a year group or class to children in care.
- We do not make children's homes the 'placement of choice' and based on assessed needs in this country. Simply put some children in care do not want to live in a family or have needs so complex that they cannot be managed within a family environment at the time they enter or subsequent times in their life in care. Yet we continue to place the vast majority of children entering care in foster homes. There will have been little, or no comprehensive assessment of that child's needs therapeutic as well as physical and emotional. Only following a number of fostering breakdowns will a residential placement be considered. By the any of the child's inevitable attachment needs will not only not have been met but they will have been compounded by a series of further failed attachments.
- Children tend to enter children's homes then at the age of 14-15, many of their formative years already passed, knowing that they are approaching leaving care, have yet another new school to start at with all the inevitable questions from staff and fellow pupils alike. They are living in a new home and know that even in the best case scenario they will be evicted from that home, regardless of their wishes and feelings or those of the residential team as an 18th Birthday 'present'. Unlike their peers in foster care who can 'stay put' they know that they are (again) 'different', being treated 'differently', discriminated against, not invested in; so is it any surprise that faced with all of these traumas many do not invest in their children's home. Would you?
- I have worked with very many children who have lived and thrived in children's homes for many years. They have done well in school when we have established a team including school representatives and therapists who have focussed on the child's needs – all of them not just academic targets. Children will learn when they are able to learn because they are not worried about other things in their life; they cannot when they are worried about (frankly more important) things like their family, when they will be being moved on, how to manage their stigmatisation. It takes a team to do this. We need to offer children hope for their future. We need to plan their leaving care from the day they enter care, offering them guidance and parameters within which to work. Deciding on realistic and achievable, given their starting point, targets with them and then enjoying and celebrating their success in achieving these targets before starting the process all over again, reaching ever higher. We should be planning for their future careers as we would with our own children. To know that regardless of how happy a child is in their children's homes; disregarding the views of their carers who may be willing and in fact determined to keep caring for them; these children will be evicted simply by virtue of their age. This is an incredibly powerful demotivating factor for children. Many choose to take the only option they have control of and disengage, some will (consciously or not) effectively break down their placement before it is shattered around them. This might even be considered a tangential form of self-harm. When one feels that they so little control in and of their lives then hurting oneself might seem to be the sole option. Knowing,

for example that if one works incredibly hard to achieve great academic outcomes, sufficient to get to university and then face three or more years with no-one to return to during holidays; no-one to drop you off, pick you up or visit you; no-one to celebrate your successes and support you when things go awry and of course, unlike many of your fellow undergraduates, the ubiquitous 'bank of mum and dad' does not exist is a depressing thought. Once again we are bound to ask, "Would this be good enough for your child"?

The quality of, and access to, support for children and young people in children's homes, including support for those with special education needs, and the support available at transition points.

CAMHS services are overwhelmed and children in care - especially those living away from their home areas – for whatever good or merely pragmatic reasons. Children in care are all traumatised. Being removed and or estranged from a birth family is in and of itself traumatising. No judgement is applied here – it is merely a fact. Yet what support is offered to mitigate that trauma? Often none. We must work therapeutically with all children in care, assess and help them to understand their attachment difficulties and other factors that may have compounded this as they (all too frequently) drift through care.

Unregulated Provision

In terms of unregulated provision and for the sake of brevity I refer the reader to the following article which I had published a couple of years ago. My views have not changed

<https://www.communitycare.co.uk/2019/08/12/childrens-homes-regulated-keep-children-safe/>

What has changed is that the Govt. seeks to introduce a lower grade of registration for currently unregulated homes. This is not the answer. In fact it demonstrates that they do not even understand the question. This is intolerable. If the home accommodates children in care, if that person is legally a child (i.e. under 18 years of age) and if they are receiving care then they should be receiving care judged against the Children's Homes Regulations and Quality Standards. I actually know of several Unregulated homes that are actually quite excellent. They provide care and have to in order to comply with the conditions in the LA tender arrangements for which they apply for 'business'. Personally I find the distinction between care and support has been used and interpreted unscrupulously by LA's in an attempt to find placements at lower prices whilst placing children at risk in the dark end of the unregulated sector. The definition is actually perfectly clear, no grey areas in Ofsted's Introduction to Children's Homes, Annex A (Updated Feb 2021)

Rates of criminalisation of children in children's homes

Sir Martin Narey in his Review of Residential Child Care in England exploded several myths perpetuated by the press and organisations like the Howard League concerning the criminalisation of children in children's homes. There is no doubt that some children do become criminalised in care – for a range of reasons - and this is a matter of concern but by no means a crisis. Sir Martin opens his section on criminalisation with:

“This is an important issue, but one in which sensible debate and the pursuit of sensible reform is sometimes not helped by a simplification of the issues and the use of a certain amount of dramatic license to suggest that children are routinely criminalised for relatively harmless behaviour. In their recent report¹ The Howard League reported they had “heard one example of the police being called to a children’s home to investigate a broken cup.” If that happened at all, I don’t believe it is remotely typical.

News coverage of this issue is sometimes similarly fanciful”.

Naturally, no child should be ‘criminalised’ by virtue of the fact that they are in living in a children’s home, and this will require the creation of and, or modification of existing, protocols for working together by Children’s Services, Children’s home operators, the Police, Ofsted and perhaps others. What must follow, however, if we are not to fall victim of past mistakes, is that all agencies must sign up to and be openly held accountable for failings in working within such protocols. Additionally protocols should be reviewed both on a regular, routine basis (I suggest annually) and as required in response to new or newly recognised challenges emerge or are recognised. Clearly Local Safeguarding Partners should take the lead in this but save for uniquely localised issues the Partnerships should work within a National Protocol to avoid children in care experiencing different approaches dependent on which regions, or even areas within regions, they are living in.

- The sufficiency of places in children’s homes, and the regional locations of homes

There is a body of literature, of various quality and integrity, that has already been written on the sufficiency of children’s homes in England. Regardless of provenance what is agreed is that there is an insufficiency of suitable placements for children in care. The argument rages, but never concludes, as to which sector is best placed to deliver this. I do not intend in this submission to enter that argument but do offer a lesson from history.

At the time of the Children Act 1989 came into force there were essentially two ‘providers’ – Local Authorities and Voluntary agencies. There was no consistent or effective oversight of this provision – one of the consequences of this being what has been

¹ The Howard League: Children’s Homes and Criminalising Children, 2016

identified decades later and led to the IICSA enquiry. We cannot and must not return to a regime that allows homes that accommodate children to operate without independent scrutiny working to a set of Nationally agreed standards. This obviously relates to and is referenced in what I have commented in the section about Unregulated 'care or support'.

We now have a mixed economy of provision of both children's Residential and Foster Care. In addition to the aforementioned LA and Voluntary sectors an Independent sector has arisen.

As one who has worked in children's care for the whole of this period and indeed preceding the Children Act, I ask the question, "Why has the Independent Sector moved from providing little or none of the provision to a majority of the provision – certainly in residential care"?

The simple answer is in economics. The Independent Sector can, by and large deliver the same or better service cheaper than can LA's. This has been demonstrated most recently <https://www.pssru.ac.uk/pub/uc/uc2020/1-services.pdf> Section 6

I was a senior manager in a LA Social Services Department, as it was then known until 2000. As such, as well as managing the care provision in my LA, I was responsible for commissioning services. What we discovered was that we could not deliver, at an affordable cost, the range and diversity of services that we needed and as such we began to commission specialist placements from emerging providers. Arguably we were (and this continues to be the case) exploiting these providers because by and large their staff had poorer salaries and service conditions than did my own staff. However, the fact is that the quality of Care, on average is approximately the same in either part of the sector – see Ofsted data sets.

My offer of evidence is not politically based but it seems that ideological arguments continue as to the acceptability of utilising 'private' sector services. The fact is that there are some massive organisations – frequently operated by venture capitalists – who do 'monetise' looked after children and this is regrettable and in my view indefensible. However the ideologues seem to miss a very clear point, speaking as one with experience of working in all three parts of the sector. Regardless of the sector the fact remains that their staff are making a living out of the misfortune befalling and, or abuse perpetrated on children. As a young social worker and in the following twenty five years I worked hard to protect children from harm but was paid a salary to do so. The money to pay me came

from local taxes and Central Government. We had to work with in budgets and by saving money in the LA's residential sector (by eliminating workplace scams) I was able to develop an entirely new team dedicated to (safely) preventing children coming into care. We were required to work efficiently and cost-effectively at all times. When I moved to the independent sector I made my salary by caring for children. We delivered excellent services and LA's chose to use us because of this. This meant that we were profitable. Our aspiration was to make a 6% profit to reinvest in and develop our services to provide even better care. The independent sector has 'profits', voluntary sector has 'surpluses', not profit but essentially they are the same thing. However, their officers had comparable – actually better, judging from some of my friends who worked in the sector – salaries to my own, which was in turn approximately, actually a little lower, the same as I had earned as a senior officer in the LA but without the pension contributions and excellent service conditions. All three parts of the sector must operate to a budget. Whilst I absolutely believe that 'profits' should be limited and that companies making excess profits should be taxed accordingly I can see no fundamental difference or reason why we should demonise one over another.

There would be no Independent sector if LA's were capable of delivering the services better or at a comparable price. Ultimately they commission services and if they can commission internally rather than externally then well and good, the Independent sector will disappear as will the Voluntary sector. Personally I don't see this happening, but the Care review alongside the other reviews that have become entangled in it must look at children's needs, how they are best met and who is best placed to meet them. This is a review of children's care and I suggest that should be its focus, the assessed needs of the child and finding an alternative to care wherever possible. If not avoidable then the review must look, without prejudice at who and in what type of setting – foster care, residential care or placement within extended family or friends network is best placed to meet those needs regardless of their provenance – public, private or third sector.

Care is always 'harmful' to children; not *per se*, but because simply being in care implies that the child is not able to live happily and safely within their own family – for whatever reason. By assessing children's needs and exploring the quality (not price) of the 'care options' available to them before making a considered placement in the best of these (or that child) we mitigate that harm and if the placement is sufficiently good then they will have the support to heal the initial damage caused by the disruption in their (birth) family life.

In the best of situations parallel support to the child's birth family may enable the child to return home. In other instances this will not be possible and the State as parent must be satisfied that the assessment is sufficiently sound and the placement sufficiently skilled to ensure that it is not the first of 11, 21, 31, 41 or more placements that the child will experience in care. There is no recipe for care. Every child is, of course, unique. Some will be placed and live 'happily ever after' with a foster family who may even adopt them. Others though, may neither need nor want an alternative family; or may be so 'traumatised/damaged/complex' that their needs cannot possibly be met in a family placement. For these children the point of entry into the 'care system' may be another kind of family in a children's home. If we value the children for whom the State cares then if this is what the child needs then regardless of the belief systems of some social work and social policy makers then the child should live in another type of family – those found across the country in the best of children's homes from the outset – to move, subsequently to a more traditional type of family (including the possibility of their own) when they and that family are ready and prepared for the next stage of their journey.

March 2021