

Written evidence submitted by the Department for Education

**Education Select Committee: Evidence submitted by the Department for Education to the inquiry into Children's Homes in England**

**Introduction**

1. This paper sets out the government's evidence for the Education Select Committee inquiry on children's homes in England. It describes the role of national government in supporting children in children's homes to thrive, some of the key challenges faced by the sector and the action government is taking to address these.

2. This paper provides information for each of the terms of reference provided by the committee.

- Educational outcomes for children and young people in children's homes, including attainment and progression to education, employment and training destinations (paragraphs 25-30).
- 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 (paragraphs 35-44).
- The use and appropriateness of unregulated provision (paragraphs 44-48).
- Criminalisation of children in children's homes (paragraphs 49-52).
- The sufficiency of places in children's homes, and the regional location of homes (sufficiency is covered in paragraphs 53-55, locations in the table after paragraph 8).
- The impact of the Covid-19 pandemic, including the extent to which this might increase the demand for places in children's homes (paragraphs 56-64).
- The support available for kinship carers, and for children in homes to maintain relationships with their birth families (paragraphs (paragraphs 65-77)

3. The paper also includes additional contextual information which we felt would be useful to the committee:

- a. on the children living in children's homes, and the numbers and locations of homes (paragraphs 4-8),
- b. on the role of government (including the Independent Review of Children's Social Care), local authorities and Ofsted (paragraphs

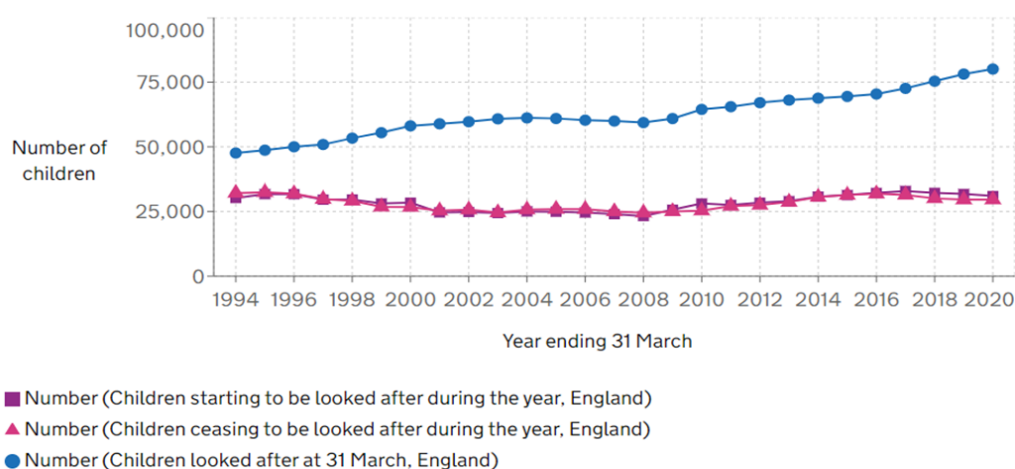
- 9-19),
- c. on local government funding (paragraphs 20-22), and
  - d. on the Secure Estate (paragraphs 69-72).

### Contextual information on children in children's homes

4. Children's homes provide care for some of the most vulnerable young people in the country who are unable to live with their families. This includes children who have suffered abuse or neglect, unaccompanied asylum-seeking children, children on remand, and children with emotional and behavioural difficulties, disabilities, special educational needs (SEN), or mental illness.

5. The number of children in children's homes increased by 16% between 2015 and 2020, with 6,780 looked after children in children's homes on 31 March 2020<sup>1</sup>. Children in children's homes account for 8% of the total care population – the great majority (72%) of children in care are in foster care. The growth in the number of children in children's homes reflects the overarching trend in the number of looked after children since the mid-2000s. The number of children in care on 31 March 2020 was 80,080.

**Children looked after at 31 March, children starting to be looked after during the year and children ceasing to be looked after during the year, in England, 1994 to 2020**



6. On 31 March 2015, the latest data available:
- a. 41% of children in children's homes were aged 16 and over, with another 56% aged 10-15.
  - b. 62% were male and 38% were female, compared to the wider looked after children population where 55% were male.

<sup>1</sup> DfE Children looked after in England including adoption: 2018 to 2019, <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019>.

DfE Children looked after in England including adoption: 2019 to 2020, [Children looked after in England including adoptions, Reporting Year 2020 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2019-to-2020)

- c. The majority of children placed in residential care (80%) were of white ethnicity. This is not dissimilar to the overall looked after children population (77%)<sup>2</sup>
7. For placements ceasing during the year ending 31 March 2020, the average (median) duration for children in secure units, children's homes and semi-independent living accommodation was 138 days.

#### Number of children's homes

8. Children's homes vary in size, typically having 3-5 beds. A small number of children's homes have more than 10 places; residential special schools that are dual-registered as children's homes are generally larger. On 31 March 2020, there were 2,378 children's homes in England, providing just over 10,000 places.<sup>3</sup>

	Number (%) of homes	Number of places
Private sector	1,815 (76%)	6,960
Local authorities / trusts / health authorities	437 (18%)	2,313
Voluntary sector	126 (5%)	760
Total	2,378	10,033

9. In addition, there were 69 residential special schools registered as children's homes. Most of these were run by private providers (49 schools, 1,231 places). Voluntary sector organisations ran 17 schools (602 places) and local authorities ran 3 schools (78 places).

#### Location of homes

Region	Number of children's homes	Number of children's home places	Number of residential special schools registered as children's homes	Number of residential special schools registered as children's home places
England	2,378	10,033	69	1,911
East Midlands	243	1,036	10	318
East of England	178	867	6	138
London	122	671	0	0

<sup>2</sup> [Department for Education \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>3</sup> [Main findings: children's social care in England 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Region	Number of children's homes	Number of children's home places	Number of residential special schools registered as children's homes	Number of residential special schools registered as children's home places
North East, Yorkshire and the Humber	362	1,671	9	167
North West	590	2,156	10	234
South East	276	1,430	15	580
South West	179	629	7	231
West Midlands	428	1,573	12	243

10. A quarter of children's homes are based in the north-west region, compared to one in twenty in London. 41% of children in children's homes live more than twenty miles from their home local authority. Legislative safeguards are in place for all decisions where a child is placed outside their home local authority – the Director of Children's Services is required to sign off all decisions and Ofsted can challenge where they believe poor decisions are made.

#### The role of government

11. National government provides funding and support to local authorities to help them meet the full range of their general duties to looked after children, including in relation to children's homes. The Department for Education is responsible for setting the overarching legislative and policy framework for education and children's social care, including children's homes. For example:

- a. [Children Act 1989](#), and the [Children and Social Work Act 2017](#), outlines how children should be safeguarded and their welfare promoted, supplemented by guidance such as [Working Together to Safeguard Children \(2018\)](#), which sets out the role of safeguarding partners (local authorities, police and health).
- b. The [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and subsequent statutory [guidance](#) brings together in one place the core duties for effective corporate parenting in relation to all looked after children.
- c. The [Children's Homes \(England\) Regulations 2015](#) introduced new quality standards that specify the outcomes that children

must be supported to achieve while living in children's homes. This is made clear for providers of children's homes in the accompanying [guidance](#).

- d. [Sufficiency: Statutory guidance on ensuring sufficient accommodation for looked after children](#), which outlines local authorities' responsibilities for ensuring suitable provision.
- e. Guidance on [children who run away or go missing from home or care](#)

12. The Department has also commissioned reviews and research to increase improve provision and practice for looked after children. This included Sir Martin Narey's independent review into [Children's Residential Care in England](#) (July 2016), which included 34 recommendations. The Department provided a [response to those recommendations](#) including additional funding of:

- a. £40 million for secure children's homes;
- b. £6.2 million for three local authorities to develop innovative commissioning practices through our innovation projects (see paragraph 54).

13. The *Independent Review of Children's Social Care* commenced in March 2021, with Josh MacAlister as Chair. The review is taking a fundamental look at the needs, experiences and outcomes of the children supported by children's social care. It is strongly evidence-based and is drawing on a broad range of expertise. It will prioritise hearing the voices of children, young people and adults that have received the help or support of a social worker, or who have been looked after. The review is looking at the whole system of support, safeguarding, protection and care, and the child's journey into and out of that system.

#### The role of local authorities

14. Local authorities have primary responsibility for the children in their care – they have a formal role as 'corporate parent'. Their responsibilities include identifying which children should come into the care system, ensuring there is sufficient accommodation locally to meet the range of needs of looked after children in their area, safeguarding and promoting their wellbeing, ensuring that children's education and health needs are met, and supporting care leavers.

15. Currently only 16.5% of children's homes are run by local authorities. Local authorities use a variety of methods to commission additional places in children's homes when needed, such as regional consortia, commissioning frameworks, block-booking or spot purchase of places.

#### The role of Ofsted

16. Ofsted, as the regulator for children's homes, registers and inspects all children's homes, and takes action where standards are not met. All homes

receive a full inspection at least once per year and Ofsted carries out further inspections and monitoring activity for any homes rated as 'inadequate' or 'requires improvement to be good'. Ofsted works with central government, CQC where appropriate, local authorities and homes to ensure that children are looked after in safe and caring environments.

17. As of 31<sup>st</sup> March 2020, 80% of children's homes were rated Good or Outstanding by Ofsted.<sup>4</sup>

18. During the Covid-19 Pandemic, Ofsted paused routine inspections of children's homes to help protect children, staff and inspectors by limiting visitors into the home. Throughout 2020-21, Ofsted continued its regulatory work and monitoring the quality of homes to ensure that children were safeguarded. During the autumn, it carried out assurance visits to providers on a risk-assessed basis, based on the previous inspection rating, the length of time since the previous inspection and other information held by Ofsted. It has continued to carry out monitoring visits where concerns have previously been identified to ensure that providers are making necessary improvements.

19. For those homes that do not address Ofsted's concerns and that continue to demonstrate weakness, Ofsted has the power to intervene and restrict or suspend accommodation:

- a. Restriction of accommodation by Ofsted stops a home taking on any more children until the regulator is satisfied that the home has improved sufficiently to do so.
- b. Suspension of provision is more serious and is the forceful de-registration of a home because it is not suitable to look after children.

20. Since September 2020, Ofsted has taken action to suspend 40 (1.7% of the total 2,378) children's homes and have restricted accommodation at 54 children's homes, 4 of which were also suspended. This is a total of 71 restricted/suspended children's homes.<sup>5</sup>

21. The government has suspended the requirements on the minimum frequency of inspections until 30 September 2021. This does not prevent Ofsted from carrying out inspections, and Ofsted restarted its routine inspections of children's homes in April 2021. However, it means that if Covid-19 continues to disrupt inspections, Ofsted can focus its resources on areas of highest risk.

### Local government funding

22. Funding for local authorities is set annually via the Local Government

---

<sup>4</sup> This is the most recent data as full inspections were paused in March 2020 due to Covid-19 and only restarted in April 2021

<sup>5</sup> Some homes had their accommodation restricted more than once. Therefore, there is a higher number of individual restriction and suspensions than total number of homes with action taken against them.

Finance Settlement, providing councils with their core spending power to pay for vital services, including children’s social care provision such as residential placements.

23. This year's Local Government Finance Settlement included an increase in Core Spending Power of up to 4.6% in cash terms, from £49.0 billion in 2020-21 to up to £51.3 billion in 2021-22.<sup>6</sup> This includes an increase to the ringfenced social care grant of £1.7 billion in 2021-22 (up from £1.4 billion in 2020-21) for adult and children’s social care.

24. Further, government is providing local authorities with £1.55 billion in 2021-22 to help with costs associated with Covid-19. This is in addition to the increases for core school funding between now and 2022-23. Core school funding increased by £2.6bn in 2020-21 and will increase by £4.8bn and £7.1bn in 2021-22 and 2022-23 respectively, compared to 2019-20. This includes major investment in high needs funding - an additional £730 million in 2021-22, coming on top of the £780m investment in 2020-21 to support children in receipt of an EHCP. Further education recovery plans, specifically related to Covid-19 are detailed in paragraphs 56-64.

Financial Year	2020-21	2021-22	2022-23
Increase in Core School Spending for Local Authorities from 2019-20	(2019-20) + £2.6 billion	(2019-20) + £4.8 billion	(2019-20) + £7.1 billion

### **Educational outcomes for children and young people in children’s homes, including attainment and progression to education, employment and training destinations.**

25. This section and the following sections respond directly to the terms of reference set by the committee. This section sets out the educational outcomes for children in children’s homes where available, and broader data covering looked after children, where specific children’s home data is not available.

#### Educational Outcomes

26. This section explains where children in children’s homes are educated, levels of SEND, and Attainment 8 outcomes for all children in care (data for children’s homes only isn’t available).

27. A recent Ofsted report on education in children’s homes found that of

<sup>6</sup> [Core spending power: final local government finance settlement 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/core-spending-power-final-local-government-finance-settlement-2021-to-2022)

the 2,600 children in their sample, 83% (2,165 children) were educated in schools or other education settings inspected by Ofsted.<sup>7</sup> Of these, 57% were in special schools and 43% in mainstream education. Children in children's homes were 20 times more likely to be in special education than all children nationally. This reflects the complex needs of many children in children's homes.

28. The looked after children population as a whole has significantly higher numbers of children with SEND compared to other children. 55.7% of children looked after for 12 months or more had a special educational need in 2019/20 compared to 15.3% for the overall pupil population.

29. Education outcomes for all children in care suggest that those in care for longer (12+ months) have better results than those in care for less than 12 months. Attainment 8 data suggest that children in care for more than 12 months have comparable outcomes with children classed as 'in need', including those on a child protection plan.

Table: Average attainment 8 score by social care group, England<sup>8</sup>

	2018/19	2019/20
All pupils' comparison	46.7	50.2
Children 'in need' on 31 March	18.8	21.1
Children in need, excluding children on a child protection plan and children looked after on 31 March	19.3	21.3
Children on a child protection plan, excluding children looked after on 31 March	19.1	21.8
Children who had been looked after for 12+ months on 31 March	19.0	21.4
Children who had been looked after for less than 12 months on 31 March	12.9	16.7

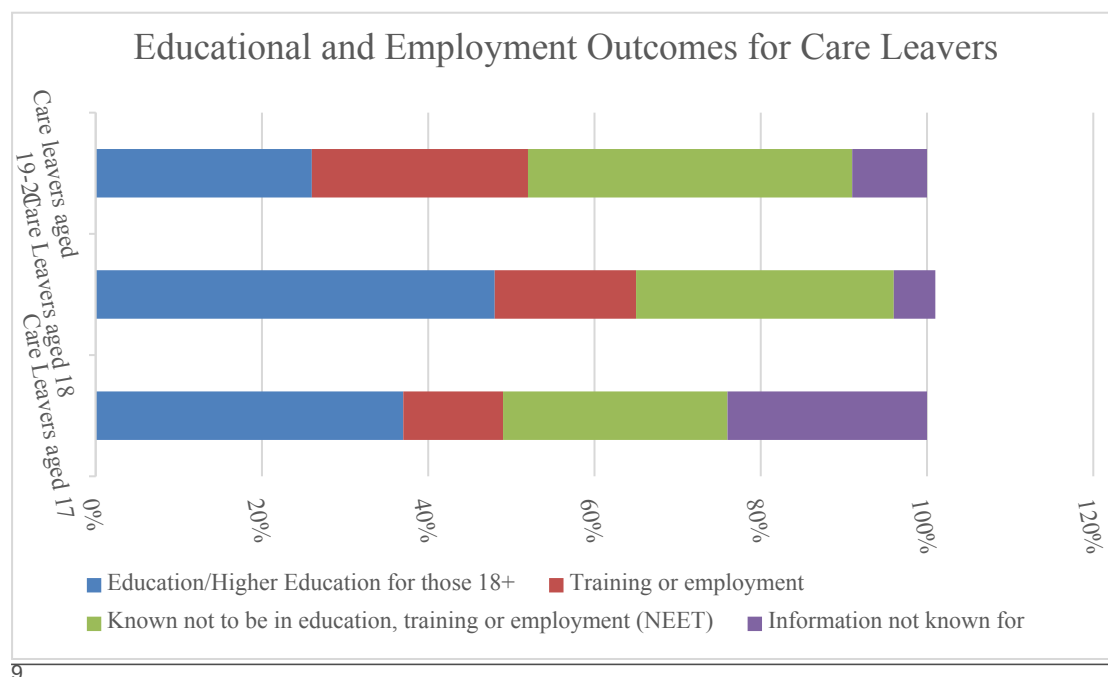
30. There is not a specific breakdown of outcomes for children in children's

<sup>7</sup> Ofsted, 'The Education of children living in children's homes', (2021), [The education of children living in children's homes - GOV.UK \(www.gov.uk\) Of the remaining children and young people, 11% were in other education \(ie settings not inspected by Ofsted\), work or work experience; and 6% were not in education, employment or training.](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/944447/education_of_children_in_childrens_homes.pdf)

<sup>8</sup> Note that we cannot compare the Attainment 8 scores between 2018/19 and 2019/20 because of the different grading systems used during the Covid-19 pandemic.



homes. However, the most recent government data on educational/employment outcomes for all care leavers are presented below.



### Educational Support: Virtual School Heads

31. Government is committed to boosting the outcomes for all looked after children, including those in children's homes. The statutory role of Virtual School Heads was created in 2014. Virtual School Heads are responsible for the educational achievement of all looked after children in their local authority.

32. The responsibilities of Virtual School Heads are published in the guide to 'Promoting the education of looked after and previously looked after children' (2014), accessed [here](#) (p.25). In brief, they are:

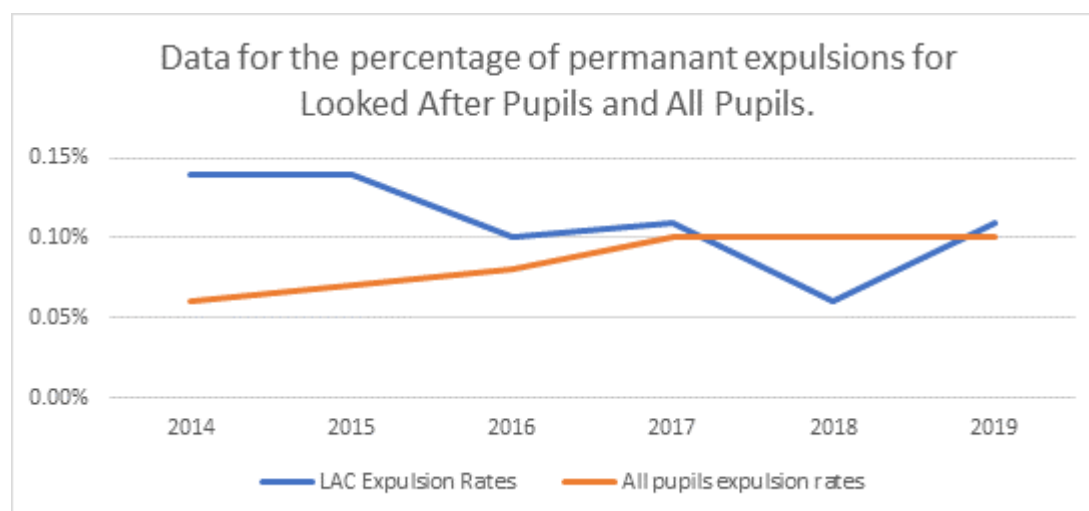
- a. Collecting and keeping data on attainment and attendance of looked after children and reporting on this through the local authority's corporate parenting structures.
- b. Providing information to schools about looked after children, including the child's mental health, SEN or disability or other needs.
- c. Ensuring provision of up to date, effective and high quality personal educational plans (PEPs) and that each looked after child has such a plan wherever they are placed.
- d. Working directly with admissions authorities and playing a key role in preventing exclusions.

<sup>9</sup> [Children looked after in England including adoptions, Reporting Year 2020 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

- e. Managing each looked after child's Pupil Premium Plus (£2,345 per child) and working with schools to deliver the objectives in the child's PEP.

33. Since September 2018, Virtual School Heads and designated teachers have responsibility to promote the educational achievement of pupils who are no longer looked after, giving schools expanded access to Virtual School Head expert advice. Children who were previously looked after also attract pupil premium plus at the same rate as looked after children.

34. Virtual School Heads have made a significant impact since they were first introduced. Their expert leadership has helped reduce expulsions and absenteeism and improve educational progress (especially at KS2). In 2019, 0.11% of children looked after for at least 12 months were expelled from school, which is almost the same as for all pupils (0.10%) and much lower than the rate for all children in need (0.69%). The persistent absence rate for children looked after for at least 12 months at 31 March was 12.5% in the Autumn 2019 term, which was lower than the rate for all pupils (13.4%).<sup>10</sup>



11

### **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**

35. This section outlines the quality standards that apply to children's homes in relation to support for children (including those with SEND) and the key support that is available for care leavers when they transition from care. The [Children's Homes \(England\) Regulations 2015](#) and [accompanying guidance](#) set out the government's minimum quality standards for children's homes. The registered manager of each home is responsible for following and

<sup>10</sup> [Outcomes for children in need, including children looked after by local authorities in England, Reporting Year 2020 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)

<sup>11</sup> [SFR Template NatStats \(publishing.service.gov.uk\)](#) (for 2014-18 stats) and [Create your own tables online, Table Tool – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#) (for 2019 stats)

implementing these standards. As outlined above, 80% of children's homes were rated 'good' or 'outstanding' by Ofsted as of March 2020. This is consistent with previous years.

#### Support for children in children's homes

36. The Children's Homes (England) Regulations 2015 and quality standards outline how all children in children's homes should be given appropriate advocacy support. The accompanying guidance states "All children must have access to appropriate advocacy support, and where possible this should be provided by a person that the child chooses. Looked-after children are entitled to an independent advocate to advise them and ensure they have the support needed to express their views, wishes and feelings about their care and lives."

#### Support for children in children's homes with SEND

37. The Children's Home (England) Regulations 2015 and accompanying guidance specifies in detail the requirements for children's home staff and registered managers with regard to children with special educational needs and disabilities (SEND). This includes:

- a. Regulation 5, 'Engaging with the wider system to ensure children's needs are met', determines that managers and staff in homes must 'seek to involve the child's local authority effectively in the child's care, in accordance with the child's relevant plans. This includes any special educational needs plan (pre-2018), or education, health and care plan (post 2018).
- b. The guidance on the 'quality and purpose care standard' explains that: 'the quality and purpose of care standard applies to residential special schools registered as children's homes and short break settings. Some of the requirements of the standard must be applied in such a way that homes are able to protect and meet the needs of all children accommodated in them (particularly in relation to children's complex special educational needs and disabilities)'.
- c. The 'children's views, wishes and feelings' standard states that registered managers must ensure their staff can 'help each child to express views, wishes and feelings' – including being able to consider those with SEND.
- d. The 'education standard' requires registered managers and staff to 'understand the barriers to learning that each child may face and take appropriate action to help the child to overcome these, including where support needs are detailed in an EHC plan.
- e. Guidance on the 'enjoyment and achievement' standard states in relation to children with disabilities: 'The registered person, in conjunction with any relevant person (such as a parent or

school) should assess what would be safe, achievable and reasonable for each child, in line with their relevant plans, and ensure appropriate opportunities are available for each child to have fun, form friendships and enjoy life, relative to their stage of development and individual needs.’

### Support for Care Leavers

38. Providing support to care leavers includes not only the transition from living in care to living independently, but also support for finding jobs and further qualifications once transitioned. The following two sections set out the government’s approach to helping care leavers.

39. Transitioning between living in care and living independently can feel like a ‘cliff-edge’ for some young people. The government has been working to ease this transition by extending support to care leavers and increasing opportunities that are available to them. This will provide a more stable route to independence and improve outcomes for children and young people in care. Government has set out the expectation to local authorities that no-one has had to leave care during Covid-19, by extending placements for those reaching 18 until the time is right for them to move on.

### *Staying Close: Support for Residential Care Leavers*

40. Staying Close is part of the wider Department for Education Innovation Project programme and provides an enhanced support package for those leaving residential care. The government has provided £9.2m over 4 years to pilot the scheme in 8 local areas.<sup>12</sup>

41. Staying Close includes an offer of move-on accommodation, alongside a package of practical and emotional support (an average of 5-10 hours a week dependent on needs), provided by a member of staff from their former children’s home, if possible, who they know and trust.<sup>13</sup>

42. Independent evaluations of the Staying Close pilots were published in November 2020 and reported that it is helping to provide young people with smoother transitions from residential care to adulthood, in particular:

- a. Young people have access to improved housing options, and reduced eviction rates (75% reduced eviction rate)
- b. The proportion of young people recorded as being in education, employment or training (EET) has increased overall (50% reduction of NEET). By comparison, the NEET rate for all 19-21 year old care leavers has remained constant over the last 3 years.

---

<sup>12</sup> 2017/18 to 2020/21

<sup>13</sup> Move-on accommodation is any form of accommodation children live in after they have left the children’s home.

- c. Young people's independent living skills have improved, and they have improved wellbeing and relationship management skills (55% increase in emotional well-being)<sup>14</sup>

#### *Wider provisions for Care Leavers: Employment and Support*

43. In addition to the Staying Close scheme supporting children leaving children's homes, the following support applies to all children leaving care, including those leaving children's homes:

- a. Local authorities have a statutory duty to provide each care leaver with a personal advisor to help them make a successful transition to independence. The Children & Social Work Act 2017 extended personal adviser support to all care leavers up to age 25 if they want this support.
- b. We have issued guidance to higher education institutions on how they can ensure care leavers have the support they need to succeed at university; and introduced a £1,000 bursary for care leavers starting an apprenticeship.
- c. We have established the Civil Service care leaver internship scheme and are looking to provide similar opportunities in other large public sector employers, such as the NHS, Police and the Fire service. In 2019/20, 158 care leavers took up internships in 26 Government Departments and Agencies.

#### **The use and appropriateness of unregulated provision**

44. 6,490 children were placed in 'other arrangements' that are unregulated semi-independent or independent settings on 31 March 2020. This represents 8% of looked after children, compared to 5% of looked after children living in such settings on 31 March 2010 and 2015. The vast majority of these children were aged 16 or 17. On 31 March 2019, there were 100 children aged under 16 placed in this provision.

45. The government is clear that independent and semi-independent provision can never be the right choice for children under the age of 16. However, this provision can be the right choice for older children who are ready for this, where it is high quality and meets their needs. This type of provision can enable young people to develop their independence as they transition to adult life.

46. On 19 February 2021, we [announced](#) a series of reforms to unregulated provision:

- a. We are banning the placement of under 16s in unregulated provision as it cannot meet the needs of children of this age.

---

<sup>14</sup> The page holding all the reviews can be [accessed here](#)

The ban will come into effect in September. Children of this age should be placed in children's homes or foster care.

- b. In addition to the £24m announced at the Spending Review, we will be developing plans supported by additional investment to support local authorities to create more places in children's homes – we will set out further detail on this programme of investment in due course.
- c. We are introducing national standards for unregulated settings for 16 and 17 year old looked after children and care leavers. We will consult on national standards, their impact and cost this year.
- d. We will legislate to give Ofsted additional powers to take action against illegal unregistered children's homes. Ofsted can already prosecute providers for operating children's homes without being registered, however, this can be costly and time and resource intensive. We want Ofsted to have an earlier legal step to take quicker action to register or close down these homes.:

#### Consultation: Reforms to the use of unregulated provision for children in care and care leavers

47. Our [consultation](#) last year received over 230 responses from a wide range of organisations and we also worked with a range of organisations, including St Christopher's Fellowship, to run virtual focus groups with over 160 care experienced young people – this significantly boosted the credibility of the consultation and brought in the voices of children.

48. A significant majority of respondents were in favour of implementing all the measures, with widespread support for our key proposals, namely the introduction of national standards and providers being registered and inspected by Ofsted, and a ban on the placement of u16s in this provision.

#### **Criminalisation of children in children's homes**

49. Criminalisation rates for looked after children are decreasing. The statistics presented in the table below show the reducing numbers of looked after children receiving a criminal conviction, despite overall increases in the number of looked after children by nearly 10,000.

50. Looked after children have often had a very difficult upbringing, which can result in challenging emotional and social behaviours. These behaviours can sometimes result in them receiving a criminal record, which can then further reduce the likelihood of children who are in care leaving to go onto further education or employment.

51. In 2018, the government published the National Protocol on reducing

unnecessary criminalisation of looked after children and care leavers. This aims to provide a framework to help local areas reduce criminalisation of these groups.

52. The national protocol is aimed at local authority children's services, local care providers (fostering services, children's homes and other arrangements), police forces, Youth Offending Teams (YOTs), the Crown Prosecution Service (CPS) and HM Courts and Tribunal Service (HMCTS), local Youth Panel (Magistrates), and local health services including mental health. Its key purpose is to encourage and provide the framework for these agencies to co-develop local arrangements to reduce the unnecessary criminalisation of looked after children and care leavers. The National Protocol is part of a system of change that has led to success in reducing criminalisation of looked after children.

Table: Number of children aged 10 years or over who were looked after for at least 12 months who were convicted or subject to youth cautions, or youth conditional cautions during the year in England<sup>15</sup>

<b>Year ending 31 March</b>	<b>Number looked after for at least 12 months aged 10 to 17 at 31 March<sup>16</sup></b>	<b>Number convicted or subject to youth cautions, or youth conditional cautions during the year<sup>2</sup></b>
2020	39,620	1,160
2019	38,090	1,280
2018	36,730	1,510
2017	35,090	1,590
2016	33,110	1,640
2015	31,800	1,630
2014	30,640	1,690
2013	29,840	1,830
2012	29,790	2,070
2011	30,280	2,200

### **The sufficiency of places in children's homes**

53. Local authorities are responsible for ensuring there are sufficient places for the looked after children under section 22G of the Children Act 1989. Government published statutory [guidance](#) on the sufficiency duty in

<sup>15</sup> Figures include children aged 10 to 17 years who have been continuously looked after for at least 12 months as at 31 March. Figures exclude children who were looked after under an agreed series of short-term placements.

<sup>16</sup> Numbers have been rounded to the nearest 10.

2010.

54. The Department for Education has supported local authorities through investing in new approaches to increase capacity in residential care and improve sufficiency planning. For example, Innovation Programme funding was used to support three projects:

- a. Havering - £1 million to create a sub-regional approach to commissioning residential placements, exploring way to improved commissioning across the region.
- b. Croydon - £1m for sub-regional commissioning for looked after children across 8 south London boroughs to increase placement choice.
- c. Essex - £4.2m to set up an alternative to residential care by providing targeted support to those on the edge of secure care.

55. In addition, the department has also taken action to improve sufficiency across the broader care system, which could in turn help improve sufficiency in children's homes. For example, activity to boost foster carers could provide places for children who would otherwise be accommodated in a children's home and thus would free up capacity. We are also supporting projects to reduce the numbers of children needing to come into care. Such action includes:

- a. Investing in behavioural insights research to better understand why people choose to foster and adopt, and what the barriers are. This will help local authorities and Independent Fostering Agencies create new tools and approaches to recruit foster and adoptive parents from a wider range of backgrounds.
- b. Investing nearly £500k between September 2019 and March 2020 in 7 partnerships to test new approaches to commissioning and sufficiency planning in foster care, including establishing regional commissioning hubs, improving foster carer recruitment, training and support, and supporting children to move out of residential care and into fostering placements. A further £600k for 5 of those partnerships is on-going from September 2020 to September 2021.
- c. Investing £1m in adopter recruitment in 2020-21 with a focus on generating an increase in people of all backgrounds, and particularly BAME, coming forward to adopt 'harder to place' children, who may often be directed to residential care. The national recruitment campaign, #YouCanAdopt, launched on 16 September to break down common myths about adoption and is being delivered by key adoption stakeholders.
- d. The Chancellor announced as part of the Spending Review



2020 that the government will provide £24 million in 2021-22 to start a new programme to maintain capacity and expand provision in secure children's homes. This will provide high quality, safe homes for some of our most vulnerable children and will mean children can live closer to their families and support networks, in settings that meet their needs. We will set out further details in due course.

- e. Investing £84 million over five years through the *Strengthening Families, Protecting Children* programme in 18 local authorities. This aims to enable more children to stay at home in stable family environments and not be taken into care. The local authorities are embedding one of three models developed by Leeds (Family Futures), Hertfordshire (Family Safeguarding), and North Yorkshire (No Wrong Door), that have demonstrated success at safely reducing the number of children being taken into care.
- f. Investing £17.2m in the *Supporting Families, Investing in Practice* programme in up to 45 local authorities. They are implementing one of three successful Innovation Programme projects that have successfully kept families together: Family Drug and Alcohol Courts, Family Group Conferencing, and the Mockingbird Family Model (Fostering).

### **The impact of the Covid-19 pandemic, including the extent to which this might increase the demand for places in children's homes.**

#### Impact of the Covid-19 pandemic on numbers of children in care

56. Central government has been collecting fortnightly data from local authorities about children's services via the Vulnerable Children and Young People's Survey. This includes information about the number of referrals to services, the number of looked after children and those entering care, and workforce information. The most recent publication (April 2021, covering waves 1 to 22 of the survey) found that referrals to children's social care services as reported in waves 1-22 of the survey were around 11% lower than average referrals for the same weeks during 2017-20. The number of children who started to be looked after reported in waves 1-22 of the survey was around 29% lower than in the average of the same weeks during 2017-20. However, the total number of children looked after has been similar or slightly higher during waves 1-22 compared to the same weeks in 2019-20, indicating that fewer children have left care.

#### Government action to support children's homes during Covid-19

57. The Covid-19 pandemic has proven to be a very difficult period for many people and the government recognises that it has been especially challenging for children in children's homes and their staff. The patience and resilience of both children and staff has been admirable and we would like to

recognise this.

58. Government action to support those living and working in children's homes during this period includes:

- a. [Guidance](#) to help local authorities and registered managers of children's homes to continue to meet their statutory duties to safeguard and protect the welfare of vulnerable children and young people. This is regularly updated and explains where there is flexibility to enable registered managers and staff respond to local conditions and individual children's needs.
- b. [Regulations](#) that provide temporary flexibilities to enable children's homes to operate. These included allowing for virtual visits where face-to-face visits were not possible, while prioritising contact between children and their families. Government was clear that virtual visits were only to be used when absolutely necessary and favoured the continuation of face-to-face visits wherever possible.
- c. Access to government-funded PPE via a dedicated ordering portal to ensure the workforce continues to receive adequate PPE supplies to cover all their care functions.
- d. Access to Covid-19 tests has steadily increased and children's homes have been prioritised. All Ofsted-registered children's homes have been invited to join the National Testing Programme portal. This allows those who register access to home testing kits to hold on-site for use with any symptomatic children or staff, or where there are barriers to accessing tests via the usual routes. More recently, asymptomatic testing systems are now in place for carers and children.
- e. The Joint Committee on Vaccination and Immunisation decided to prioritise roll-out primarily based on age as this remains the most effective way of reducing death and hospitalisation from COVID-19 and will ensure more people are protected more quickly. Phase 1 captured all those over 50 years of age, including thousands of staff in the education, childcare and children's social care workforce. Phase 2 rollout began in April and aims to offer every adult aged 18 and over a first dose of the vaccine by 31st July.
- f. Ofsted have continued to work with new providers and those already existing who are interested in expansion, to maintain high levels of registration for new accommodation.

#### Covid-19 Educational Support

59. The government is providing extensive educational support to help all

vulnerable children, including those in children's homes, to address the impact of Covid-19. In January 2021, the Prime Minister committed to working with parents, teachers and education providers to develop a long-term plan to help schools support pupils make up their learning over the course of this parliament.

60. The Government has appointed Sir Kevan Collins as Education Recovery Commissioner to oversee the long-term recovery plan. Sir Kevan will engage with parents, pupils, and teachers in the development of this broader approach and review how evidence-based interventions can be used to address the impact the pandemic has had on learning. We have also committed further funding of £700m to fund summer schools, expansion of our tutoring programmes and a Recovery Premium for next academic year. Funding will support pupils across early years settings, schools, and colleges.

61. The package of £700 million outlined above will build on the £1 billion catch up package announced in June 2020 and form part of the wider response to help pupils make up their lost learning over the course of this Parliament. The £1 billion catch up funding included:

- a. The £350 million National Tutoring Programme for disadvantaged pupils. This will also increase access to high-quality tuition for the most disadvantaged young people, helping to tackle the attainment gap. 100,000 pupils have now enrolled in the scheme and 17,000 have started tuition.
- b. The £650m Catch Up Premium to support schools to make up for lost teaching time.

62. Other measures we have put in place to support the education of vulnerable children include:

- a. Providing additional laptops and devices for those in most need. Of the 220,000 laptops and tablets distributed in the summer rollout, 148,000 of these devices were provided specifically for children with a social worker and for care leavers.
- b. Ensuring education remained open for vulnerable pupils during lockdown. Primary, secondary, alternative provision, special schools and further education providers remained open to vulnerable children and young people throughout the pandemic. Children with a social worker were particularly encouraged to attend throughout.

63. Ofsted's Covid-19 report from November 2020 praised the individualised support in Secure Children's Homes (SCHs) that young people received to continue their education during the pandemic.<sup>17</sup> It stated that in

---

<sup>17</sup> [COVID-19 series: briefing on children's social care providers, November 2020](#)

some cases, children were more engaged in education than before the pandemic. They also noted despite restrictions, staff in SCHs worked hard to ensure that children kept in contact with their families and people important to them. Staff arranged for children to speak to their families remotely through video technology and provided technical advice to families.

64. A report from the previous Children's Commissioner also commented on the education provided in SCHs during the pandemic, stating that they "have maintained a close to full timetable for children from the start of the pandemic in March, with full access to in-person education".<sup>18</sup>

### **The support available for kinship carers, and for children in homes to maintain relationships with their birth families.**

#### Numbers of Kinship Carers

65. Analysis of census data indicates that in 2011 there were 180,040 children in the UK living with members of their extended families (i.e., without either parent being present), the majority (152,910; 84.9%) in England. This was a 4% increase since the 2001 census (7% in England). It is likely that the number of children living in kinship arrangements will have continued to rise since 2011. Census data does not enable us to know how many additional children are living with family friends or others known to the family.<sup>19</sup>

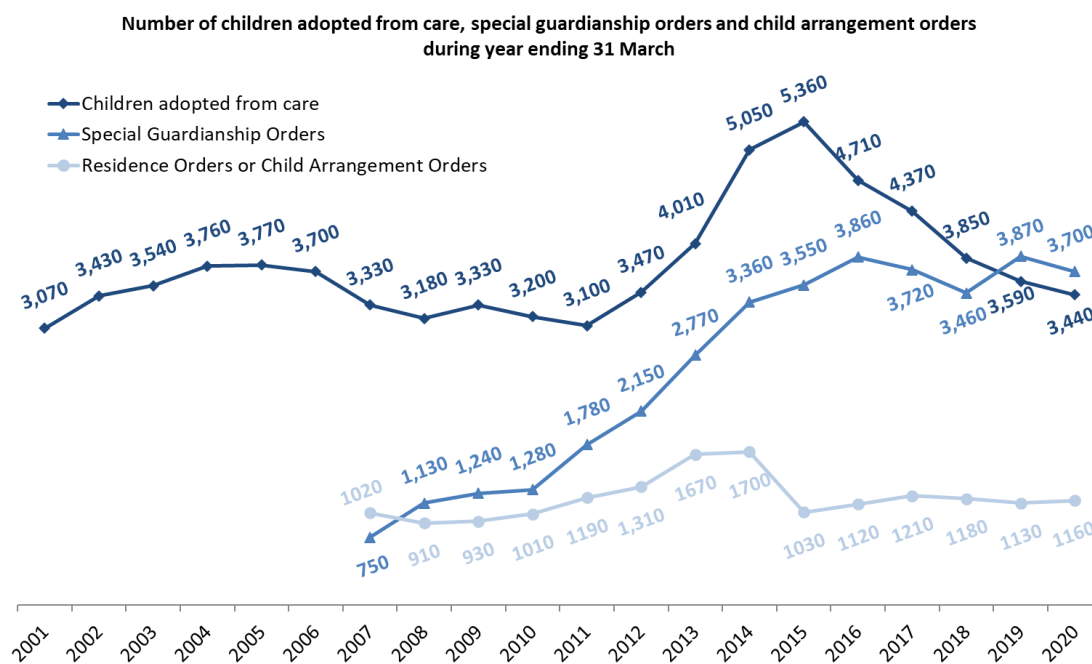
66. The graph below details the increasing number of special guardianship orders compared to adoption numbers and child arrangement orders.

---

(publishing.service.gov.uk)

<sup>18</sup> [Children's Commissioner for England Anne Longfield responds to amended statutory rules for secure training centres | Children's Commissioner for England](#)

<sup>19</sup> [http://www.bristol.ac.uk/media-library/sites/policybristol/briefings-and-reports-pdfs/2017-briefings--reports-pdfs/PolicyBristol\\_Report\\_November\\_2017\\_Kinship\\_Care.pdf](http://www.bristol.ac.uk/media-library/sites/policybristol/briefings-and-reports-pdfs/2017-briefings--reports-pdfs/PolicyBristol_Report_November_2017_Kinship_Care.pdf)



Source: SSDA903 dataset

### Support Available for Kinship Carers

67. The government issued [statutory guidance](#) in 2011 for local authorities about supporting kinship carers. The guidance makes clear that children and young people should receive the support that they and their carers need to safeguard and promote their welfare. It explains that support, including financial support, can be provided under section 17 of the Children Act 1989. There is no limit on the level of support, including financial support, that local authorities can provide.

68. Local authorities are required to publish a policy setting out their approach to promoting and supporting the needs of all children living with kinship carers, regardless of their legal status. In March 2018, we wrote to local authorities to remind them of this requirement and that the policy should be clear, regularly updated, and made freely and widely available.

69. Where children have looked after status and are placed in formal arrangements with family and friends foster carers, the carer receives a fostering allowance to cover the cost of caring for the child.

70. Informal arrangements can be made within families without the involvement of a local authority. In these circumstances, the carer is treated equally with parents within the benefits system in relation to child benefit, child tax credits and other means tested benefits.

71. Where a child in an informal arrangement is recognised as being 'in need' under section 17 of the Children Act 1989, any discretionary payments made by the local authority will be fully disregarded when considering eligibility for welfare benefits.

72. Family and friend's carers are also exempt from the two-child limit for child tax credits which came into force on 6 April 2017. Carers who already claim child tax credit for two or more children can claim for a child of a family member or friend who comes to live with them in either formal or informal arrangements.

Support for children in children's homes to maintain relationships with their birth families.

73. The government believes in the importance of maintaining positive and safe relationships, where this is possible, between children in children's homes and their parents or other kin. This section details the provisions in the Children's Homes Regulations 2015, as well as additional provisions made during the Covid-19 pandemic.

74. Within the Children's Homes (England) Regulations 2015 and quality standards, the 'care planning' standard and the 'building positive relationships' standard both set out the expectations around contact with birth families.

75. The 'care planning' standard sets out the responsibility of the registered manager of the children's home to promote 'contact between the child and the child's parents, relatives and friends' in accordance with the child's care plan. The accompanying guidance further details how staff should promote all forms of contact, where appropriate, including visits to the home by parents, visits by the child to relative's homes and contact through email or telephone. Apart from in an emergency – where the home believes the child is at risk of harm – the home does not have the power to stop contact between a child and family, without agreement from the placing local authority.

76. The 'building positive relationships' standard sets out the responsibility of staff in children's homes to build strong and positive relationships with children and to help children build relationships with others. The guidance explains how 'others' includes individuals both inside and outside the home such as other children in the home, staff, family members, siblings, previous carers and friends (in accordance with their relevant plans).

77. During the Covid-19 pandemic, central government has maintained a focus on supporting children and care staff to maintain contact with family and friends. Our [guidance](#) for residential homes on maintaining contact states 'face-to-face contact with families is allowed and should be prioritised'.

## **Secure Children's Homes**

78. Although the terms of reference for the committee did not specifically mention secure children's homes, we have included information here in order to provide a complete picture of residential care. This covers contextual information about secure children's homes, the additional support provided to young people through the Framework for Integrated Care (SECURE STAIRS)

and some specific responses to Covid-19 for the Secure Estate.

79. Secure children's homes care for children aged between 10 and 17 in a secure environment that restricts a child or young person's liberty. They provide care and accommodation to children and young people who have been placed there on welfare grounds by local authorities and as authorised by the courts<sup>20</sup>, that is, they are subject to a section 25 order<sup>21</sup>. These are referred to as "Welfare Placements". They also accommodate and care for children and young people who have been detained or sentenced by the criminal courts, referred to as "justice placements", which are organised by the Youth Custody Service. There are currently 14 secure children's homes in England and Wales, providing a total of 252<sup>22</sup> places. 13 of the homes are owned and managed by local authorities, the other by a charitable organisation, Nugent Care. Each secure children's home in England has its own school and education facilities on site.

### The Framework for Integrated Care – SECURE STAIRS

80. The Framework for Integrated Care (SECURE STAIRS) was devised to support children and young people in secure settings, including secure children's homes. This is an NHS England and NHS Improvement led project, being delivered in partnership with DfE, Youth Custody Service, Her Majesties Prison and Probation Service, Psychology Services, and the Ministry of Justice. It aims to support trauma-informed care, and uses an evidence-based approach to create change for children and young people within the secure estate.

### Enhanced SECURE STAIRS Team Offer

81. In response to COVID-19, an enhanced SECURE STAIRS team have mobilised to provide additional support and advice to secure children's homes, noting the vulnerabilities of children with complex needs and the vital role social interaction, at a physical distance, plays during this time. This included increased support for all staff, enhanced support for sites around critical and complex cases, collaborative communication documents, and the creation and monitoring of a collaborative health and justice data dashboard.

### Guides for staff

82. NHS England and NHS Improvement, in collaboration with the Youth Custody Service created specific guides for staff working in secure settings to

---

<sup>20</sup> Explore-education-statistics.service.gov.uk. 2021. Children accommodated in secure children's homes, Reporting Year 2020. [online] Available at: <<https://explore-education-statistics.service.gov.uk/find-statistics/children-accommodated-in-secure-childrens-homes>> [Accessed 19 April 2021].

<sup>21</sup> Section 25(1) of the Children Act 1989 provides that a child may not be placed in secure accommodation unless: a) he has a history of absconding and is likely to abscond from any other description of accommodation; and if he absconds he is likely to suffer significant harm; or b) that if he is kept in any other description he is likely to injure himself or other persons.

<sup>22</sup> [Children accommodated in secure children's homes, Reporting Year 2020 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

support children and young people who have an attention deficit hyperactivity disorder (ADHD) and Autistic Spectrum Condition (ASC) during the COVID-19 pandemic. The guides provided advice on how ADHD and ASC presentations may change during the COVID-19 response, and actions that staff can take to support children and young people. A further guide to delivering psychological first aid for children and young people in the secure estate was created and distributed.

## **Conclusion**

83. The Department is committed to improving the lives of children who live or have lived in a children's home. This can be done through direct intervention in the children's home system or through indirect improvements to the wider children's social care system and broader state services involved in providing direct or indirect support to these children.

84. This evidence points to the extensive work carried out by the government to support local authorities to fulfil their statutory duties. We will build on this further following the findings of the Care Review, which is expected to point to new directions in children's social care and directly improve the lives of vulnerable children.

May 2021