

Written evidence submitted by the Association of /directors of Children's Services

ADCS written submission to the Education Select Committee inquiry into the impact of COVID-19 on education and children's services and how the DfE is dealing with the situation

The inquiry will look at how the outbreak of COVID-19 is affecting all aspects of the education sector and children's social care system and will scrutinise how the Department for Education is dealing with the situation. It will examine both short term impacts, such as the effects of school closures and exam cancellations, as well as longer-term implications particularly for the most vulnerable children.

This written submission from ADCS is in two parts. The first part makes some introductory remarks and addresses some of the detailed aspects of the I-inquiry remit. The second part focuses on how the DfE is dealing with the situation and some things it might consider doing to aid 'recovery'.

PART 1

Introduction

1. The Association of Directors of Children's Services Ltd (ADCS) is pleased to make this written submission to the Select Committee's inquiry. ADCS is the national leadership organisation in England for directors of children's services (DCSs) appointed under the provisions of the *Children Act 2004*, and for other children's services professionals in leadership roles in local authorities (LAs). The Association provides a national voice as champion for children and young people with local and central government.

2. In a matter of weeks, coronavirus has transformed the activity of government and public services. But the immediate crisis won't last forever, and big choices for citizens and government lie ahead

The capacity of children's services to support vulnerable children and young people

3. Children's services, including schools, have moved quickly to adapt to this new reality to support children, young people and families during the pandemic. Having the statutory role of the Director of Public Health (DPH) located in local authorities has undoubtedly helped with planning and pandemic management.

4. LAs began business continuity planning in March. For children's services, this generally speaking meant prioritising: maintaining stable foster care and residential placements (there was deep concern at the prospect of returning children home from residential & day special schools, or welfare secure placement. So far placement stability has been good); access to food for struggling families – not just those families eligible for free school meals (FSM); access to IT devices and connectivity; new arrangements for statutory visits and for keeping in touch with children in care and care leavers; preparation for school closures; fast track foster carer approval to aid potential capacity problems; LA communications with schools; LA communications with parents; preparatory work to ensure every child with a social worker has a 'Covid-19 plan' accepting that in some instances that won't be possible or necessary – it is up to LA to make the right parenting decision for children in care; maximising the number of key worker and vulnerable children attending school; keeping as many schools open as

possible even with very small numbers of children attending to avoid 'hub' arrangement. Hub arrangements for schools are not good for pupils or staff, transportation issues become complex, and larger numbers of people in fewer buildings makes social distancing even more difficult to maintain.

5. At the end of March, the logistical reality of moving the entire workforce to remote working may have caused a brief dip in capacity but LAs have worked hard to utilise new and different ways of working in children's services, such as using video calling in place of home visits. Staffing numbers have held steady thanks to this rapid transition to home working and there has been a tremendous pulling together across the children's workforce to continue supporting children and families.

6. Overall, referrals are down by approximately 18% but there is large variation between LAs. Fewer children are becoming subjects of Child Protection plans, and fewer children are coming into care (starting to be looked after) – this is down by 40 – 50% when compared to a three-year average in 2016-18. Serious incident notifications to Ofsted are running at approximately two-thirds of where Ofsted would expect them to be.

7. A decade of austerity in the run up to the pandemic, left local government funding in a parlous state. Children's services were teetering on the edge of become a 'blue light' service only able to resource statutory functions and responsibilities. Austerity cannot be the government's response to the pandemic-induced recession we are now heading into.

8. The next stage of events is likely to be more difficult for us to manage as referrals to children's social care begin to pick up, yet a proportion of the workforce remains at home due to ongoing social distancing measures, self-isolation, shielding or illness. Moreover, the implications on children's services workforce (and the school workforce) of a national roll-out of 'test, trace and isolate' is difficult to quantify as cohorts of staff may move in and out of 14 days' periods of self-isolation if they have been in close contact with someone who tests positive for the virus. Adopting some of these newer practices longer term will help add some capacity back into the system e.g. still contributing to court hearings remotely or voice recording case notes. We hear from social workers that the use of video chat or messaging apps has helped them gain new and richer insights into children's experiences as these methods of communication are more familiar to young people, and less formal too. However, while we have adapted well to new ways of working, this should not be misinterpreted as an opportunity to make future savings by reducing face-to-face contact with children and families in a physical environment.

9. We do not yet know the impact of Covid-19 on the voluntary and charitable sector who supplement statutory services or are contracted by LAs to deliver services, such as children's centres or youth work.

10. Keeping children safe is a multiagency endeavour. A multi-agency lens will be vital in recovery – police, health and schools play vital roles in safeguarding and promoting the wellbeing of children and young people, alongside LA children's services.

11. Health partners have understandably been focused elsewhere but their engagement, and that of the police, in MASH or other LA 'front door' arrangements has held up but with health visitors, school nurses and CAMHS staff being pulled into frontline clinical roles and limited access to GPs there are fewer 'eyes on' vulnerable children and young people outside of schools.

12. There has been an increased profile of and public discourse around domestic abuse, and its impact on children, in recent weeks. Similarly, greater community awareness of

children's safety and welfare can only be a positive thing in the longer term. The police tell us that lockdown has made criminal exploitation and county lines activity more visible.

13. We cannot predict at this point the cost of the potential surge in need that will result from changes in social distancing guidance but based on the experience of other countries it is likely that this demand will fall heavily on children's social care as it will be linked to the 'trigger trio,' with the most acute cases requiring child protection plans, care proceedings or episodes in care. Prior to COVID-19, the court system was running at capacity and public law applications have not dipped (private law cases dropped initially but are now back to normal levels) so there is likely to be a backlog of cases that require court time. This will have an impact on 'long term' teams in LA children's services, which deal with children subject to court proceedings as many cases are likely to be 'stuck' in the system for some considerable time.

14. The long term impact of the pandemic on all children and young people's educational outcomes, their mental and physical health and emotional wellbeing is unknown but it's likely there will be a long tail of impact for children's services given what we know about the length of time it takes children to disclose abuses to a trusted adult. That is why it is more important than ever that we have an urgent and transparent discussion about local government funding generally and for children's services and schools specifically. LA funding has fallen by 50% in real terms since 2010, often when new money is made available to tackle entrenched social issues, such as domestic abuse, gang involvement or the sexual or criminal exploitation of children and young people, this has been in the form of short term grants allocated via a competitive bidding process rather than on the basis of need. We need the certainty of an equitable, long term funding settlement.

Schools remaining open to children of key workers and vulnerable children

15. **"Stay home, protect the NHS, save lives" messaging** - this powerful mantra rightly and quickly became deeply embedded in the nation's psyche. The strength and ubiquity of the messaging did not allow for nuance which has contributed to a lack of staff, pupil and parental confidence in the safe re-opening of schools and the relatively low numbers of vulnerable pupils attending school.

16. The announcement of school closures came with little advance notice. The Secretary of State gave the 'heads up' to ADCS President on 18th March that schools would close on 20th March.

17. A pragmatic approach was taken with schools and early years settings encouraging as much provision to stay open as possible, particularly that close to hospitals. There was agreement across Teaching Unions and ADCS that children are best served if they attend their usual school wherever possible. Children are better off in school because they are learning, get pastoral support, welfare check (eyes on), see their teachers and peers and allows parents to return to work, thereby helping to re-start the economy. Whilst remaining open for these cohorts of pupils, schools switched to simultaneously supporting remote home learning.

18. There has been limited clarity around expectations between teaching & learning and 'childcare' for those schools which have remained open throughout. The launch of the BBC learning platform was an excellent initiative which complemented the production of teaching & learning resources developed by DfE with heads/MAT CEOs.

19. Initially the number of vulnerable children attending school was low, unsurprisingly but increased as schools and social workers began to focus on encouraging parents/ carers to send their children to school.

20. No plans are yet published for pupils to 'catch-up' over summer although DfE is doing some work and thinking internally. Ideally every pupil should have something akin to a PEP detailing impact of loss of learning and how they are going to catch-up (narrowing the learning gap is different to narrowing the qualifications gap). As part of the DfE's CiN Review (2018/19) a recommendation emerged that the remit and role of the Virtual School Head (VSH) be extended to cover children in need (CiN). The virtual school approach for an extended cohort of children in being piloted in several places to good effect. It seems likely this will be one of DfE's solutions to narrowing the educational attainment gap of vulnerable children, which would be welcome as part of a wider package of measures.

21. **Early years settings** - there have been at least eight iterations of the government's guidance in relation to furloughing. Earlier iterations implied furloughing was available to all staff in early years settings but as subsequently emerged this was not the case and only those staff working in early years roles funded by private fees (as opposed to those working in roles funded by the government's childcare subsidy for disadvantaged 2-year-olds and 30-hours subsidised care for working parents) were eligible for support through furloughing.

22. The government made assurances to the early years sector in March that childcare entitlements monies would still be paid for the summer term. Changes to the Dedicated Schools Grant in April allowed local authorities to shift entitlements monies around to ensure there are sufficient places for vulnerable children and children of key workers, this guidance was published after the summer term had commenced and many LAs had already released funds.

23. There are some very significant and growing concerns about the sustainability of smaller nurseries and early years settings, as well as after school and holiday clubs. We don't yet know what this means for long term sufficiency of childcare places or how a gradual exit from social distancing will affect providers over a longer period. This will vary from place to place depending on the make-up of the local market and many providers are from the private, voluntary, independent (PVI) sectors. It is worrying that early years sector representative bodies are suggesting that a quarter of childcare providers fear closure within the next 12 months due to the impact of COVID-19.

24. ADCS has previously argued that the government's investment in childcare should be re-orientated to focus on children from the most disadvantaged backgrounds. As it stands a couple earning up to £199,000 is entitled to 30 hours subsidised childcare (it is not free) and this cannot be right. The DfE has announced some flexibilities to the earnings thresholds in response to COVID-19.

Schools extending opening from 1 June at the earliest for prioritised year groups, plus children of key workers and vulnerable children

25. ADCS accepts that the government had to 'name a date' for the ambition for schools to commence extending opening in order to get things moving. However, ADCS urged that 5-6 weeks' notice was the minimum required for schools to prepare buildings, staff, support services, communicating with parents and pupils etc. In the event, 3 weeks' notice was given.

26. Continuous teacher assessment of pupils' learning was abandoned a decade ago in favour of the 'all or nothing' approach to exams. At time of writing (end of May), there is no clarity yet about the arrangements for the academic year 2020/21.

27. **Support for remote learning** - the need for blended learning (at school and remotely from home) will continue into the new academic year. On 31 March, DfE working with LAs

and MATs commenced work to identify children, young people, care leavers and families with no **IT device** (with a view to placing orders for laptops, iPads etc) and/ or connectivity issues in relation to data capping. This scheme was warmly welcomed by ADCS though we urged that eligibility (to assess scale of need) should be beyond FSM and care leavers as many families will have access issues given parent(s) are also working from home. ADCS advised that delivery of eventual kit should be to LAs for onwards distribution to schools enabling schools to have 'eyes on' students/families as they come into school to collect their devices. Delivery is phased over May - July.

28. **PPE** has been the 'crisis within a crisis' as global demand for supplies peaks – access and sustainability of supply has been raised as an issue from the outset. Without access to a reliable supply of PPE it is difficult to see how special schools and early years settings in particular can re-open at scale given intimate and/or medical care is provided by staff to children and young people. The potential cost to the nation of securing a sustainable supply is eye-watering and likely to be in the billions of pounds range if some form of social distancing remains in place for a prolonged period. Guidance on the use of (and whom should use) PPE has been the source of much confusion and contradiction which, naturally, causes uncertainty in the general population.

29. For schools, advice has always been PPE is unnecessary in mainstream provision. Staff in residential children's social care settings have not been prioritised sufficiently in terms of access to PPE. To date, LAs have largely been able to supply PPE to early years and school settings from existing stocks, not via local resilience fora (LRFs). LRFs are rightly the PPE provider of last resort for schools. A significant amount of the emergency monies provided to LAs are being used locally to buy PPE. We are aware of LAs which have spent upwards of £7 million each to date on PPE for use in local schools, care homes and so on.

30. **Placement capacity** – children's placement is monopsony not a market in which there can be no place for profiteering. Approximately 75% of LAs report an increase in foster care weekly costs (of around 10%). A similar percentage of LAs report a similar level of increase in residential care weekly costs.

31. LAs and foster carers have rightly been asked not to move children in care into care leaver accommodation during the pandemic, unless a move is what the young person wants. This impacts upon placement availability and when restrictions are loosened there will be high demand for care leaver placements (supported accommodation etc).

32. There was very early action to make clear that residential schools need not dual register as a children's home if they had to keep boarders on site for longer than the usual permissible time. The Children's Minister was keen to see if state boarding school capacity could be used to ease placement pressures particularly where a placement was at risk of breaking down. ADCS does not support this as a possible solution, unless it be for spontaneously arriving unaccompanied asylum-seeking children (UASC) because of concerns about staff skill set and out of area placements for children in care are less desirable during a pandemic. Instead the use of unregulated or even unregistered placements with known and trusted providers locally are better options.

33. The has government's directive to councils to house all homeless people and the possibility of the early release of young offenders will impacted upon placement capacity too.

34. Ofsted's process for registering new children's homes has been streamlined, which is most welcome. ADCS contends that providers, not settings should be required to register and ADCS will continue to press for this reform as part of the Care Review.

35. The Care Review did not quite get to the stage of having an identified independent chair and the essential work that the Care Review must do has been paused since the start of the pandemic. ADCS urges the government to commence the Care Review as soon as possible now – the review (probably with a wider frame of reference than originally anticipated) will be an important platform for the next phase of work as we enter ‘recovery/ re-set’ phase.

36. Placement pressures will grow during ‘recovery’ – expanding placements in the highest-pressure areas as a matter of urgency will be required. Prior to the pandemic the DfE was extremely reluctant to acknowledge a role for central government in helping to lead and manage the placement monopsony.

The effects on disadvantaged groups

37. It’s important to note that children can be vulnerable for many different reasons with many different consequences and their vulnerability fluctuates according to their own circumstances and the context around them. We do not know yet how many children and families have become ‘vulnerable’ due to job losses, illness or bereavement during lockdown.

38. Schools were given a clear and shared responsibility by the government regarding vulnerable children and many schools are working hard to reach out to families and offer all sorts of help and support. They are making judgements about the risks families face and developing strategies accordingly and involving the LA where serious concerns arise. Taking in the collective efforts of those in school, seen by school and/or by a social worker or other key worker gives a more accurate reflection of the total effort and impact of our work.

39. The pandemic has exacerbated all the issues children and families were facing – insecure work, poor quality housing, hunger, social exclusion, lack of access to technology, no outside space. Media reports suggest food bank usage is significantly up in recent weeks. Deprivation and growing inequality are a great concern for directors of children’s services. ADCS has consistently raised the need for a decisive, coordinated strategy to tackle growing levels of child poverty in England.

40. Local authorities are providing mobile phones or phone credit to allow children and families to keep in contact with the key worker they are working with. LAs have opened up their offices to allow parents to use computers to take part in remote court hearings, LAs are providing help with housing costs and food via Section 17 duties.

41. **Mental health support** – the focus going forward needs to be about recovery from trauma, bereavement and the effects of social isolation. Emotional health and wellbeing are important for resilience and the ability to catch up with lost learning. DoHSC-funded mental health support teams working with clusters of schools needs significant additional investment to be rolled out nationally and urgently. The current condition – that schools rated ‘inadequate’ by Ofsted cannot participate, must be removed. It has always been anathema to ADCS that this condition was imposed. ‘Inadequate’ schools tend to be clustered in areas serving more deprived populations; it is these populations which have been hardest hit by the virus (death rates; loss of jobs; insecure housing; poverty).

42. There may well be a need for significant additional investment in Educational Psychology for the longer term. Given the ‘training lag’ this investment needs to be considered now.

Child poverty exacerbated

43. The pandemic disproportionately impacts on the old and the young. The old because they are more likely to have severe symptoms and die. The young because of the impact on their education and their future economic and life chances.

44. The woefully inadequate processes around Universal Credit pre-Covid have been exacerbated. Families are under massive pressure (access to food, delay in receiving UC, traditional support networks less accessible in lock-down).

45. A concerted effort is needed by government to review its welfare reform programme given that death rate from Covid is highest in deprived communities (more likely to live in over-crowded housing, have comorbidities). We ought not to be surprised at the higher death rate in poorer communities. The Swine Flu pandemic saw the deprived most badly affected but there doesn't appear to have been any planning based on the Swine Flu evidence to address the disproportionate impacts on and in deprived communities. The government should consider suspending the 'spare room' subsidy, removing the cap on 2 child limit, and suspend no recourse to public funds.

46. **The poor (and vulnerable) are paying the price** children and young people more so for the long term; every outcome gap for children will widen. The poor are dying at twice the rate of the general population; free school meal (FSM) e-vouchers had a problematic start; delays in UC; tracing app on a Smartphone (accessibility issues); unprecedented use of foodbanks; increase in domestic abuse. All of which means that the impact of lockdown is greater for the poor and vulnerable. Government has provided extensive financial support packages for non-public funded businesses; the self-employed; social care; NHS. But, little for poor families.

47. **National scheme for FSM e-vouchers** – firstly, it is important to recognise the enormous challenge for the DfE is setting up a national voucher scheme from scratch. Normally, free school meals only operate during school term time, exceptionally, the national voucher scheme has covered the Easter and the May half term holidays. A similar approach for the long summer holidays would be warmly welcomed. Unfortunately, there is no similar national scheme for the provision for nappies & baby food. The FSM voucher scheme came into effect from 30 March with a limited number of supermarkets/ retailers signed up. More supermarkets have come on stream over time. There were several technical teething challenges with the scheme - delays in ordering and redeeming vouchers were significant but are now largely eliminated (after bringing in a third party to run the call centre). From the beginning of the pandemic, ADCS has raised concerns about access to food in general. The Secretary of State for Education was clear from the outset that schools could make their own FSM/food supply arrangements and DfE would reimburse schools due to difficulties with the national e-voucher scheme.

48. When considering how best to stand up an FSM scheme during school closure several options were open to government: provide food parcels; provide vouchers; provide cash; add to family allowance benefit. The latter would have been preferable but too slow and fiendishly bureaucratic. The voucher approach was settled upon because it fitted best with the government's approach to restricted what the vouchers could be spent on to prevent parents squandering the princely sum of £15 per week per child on something other than food for their children. This attitude towards poor families is deeply unpalatable to ADCS members.

49. The impact of the lockdown and closure of schools will have a significant impact on **children with Special Educational Needs or Disabilities (SEND)**. Although children with an Education, Health & Care Plan (EHCP) are in the vulnerable cohort, many parents have

chosen not to continue with their child's attendance at school and some children may be in the shielded group so are advised to stay at home. LAs have worked closely with schools to conduct risk assessment on all children with EHCPs and encourage those children who should be in school to attend. However, many children may struggle to adapt to new environments and routines and therefore the transition back to school will be just as critical.

50. There is a large cohort of children who do not need an EHCP and are provided with SEN support within the school. As we plan for recovery, the needs of these children must be carefully considered to ensure any long-term impact is minimised.

51. ADCS has been clear that when considering the phased reopening of schools, year groups in mainstream should be prioritised on the basis of reducing the potential impact on life chances and to support transitions – we would welcome this approach in special schools too.

52. **Workforce** - the children's social care workforce and social workers in particular have largely held up well, however we do expect much more volatility in relation to workforce availability as test/trace/isolate is rolled out. Presently, the majority of LAs are reporting approx. 10% of the social work workforce as unavailable, although there is some variation across LAs.

53. **Forecasting future pressures** - we anticipate that UASC numbers will surge; pent up unmet need will be unleashed; domestic abuse referrals and wider family relationship dysfunction will increase significantly; mental health support needs will increase; resurgence of crime including county lines; contraction of PVI early years market; increased volatility in the workforce as test/trace is rolled out, and so on. The financial health of councils of maintained schools, of children's services will be extremely fragile for many years to come (a significant number of councils feel it likely they will have to issue Section 151 notices). And, most disturbingly the outcomes gap between vulnerable children and young people and their peers will widen significantly affecting their life chances and hampering the government's stated desire to 'level up' society.

PART 2

DfE's Leadership in dealing with the situation and what the department could do next

54. It is important to acknowledge that the challenges facing central government are massive and unprecedented. The pressures on all public servants are immense. The children's policy agenda is (and remains) impossibly fragmented, with aspects of policy strewn across nine different central government departments. The DfE is under-resourced and under-capacity, particularly in the children's social care division. As a result, the department's senior leadership sometimes struggles despite their undoubted ambition to influence meaningful policy change across an atomised children's policy agenda. Instead it relies on myopic data-driven 'monitoring' of local authority performance. DfE's work on vulnerable children and young people is wholly focussed on the LA, the multi-agency lens has all but vanished. Data of course do play a part in analysis, however, the 'theatre of numbers' can result in false reassurances. Reflective conversations are largely absent; this is particularly problematic for social work which is subtle and not data driven. The propensity for endless monitoring justified as necessary in order to provide evidence bases to make funding or policy change cases gives the impression that there is no sense of trust in LAs to lead and manage the risks inherent in the system. Ministers set departmental priorities, and we hope that the experiences of vulnerable children during the lockdown will improve the line of sight of the Secretary of State into children and families, particularly the vulnerable so that it mirrors more closely his clear and forensic line of sight into school related issues.

55. The ambition of ADCS has long been to see the DfE acting as convenor of the central government partnership, in the way a DCS leads and convenes local partnerships in the interest of children. We are regularly 'assured' that these joined up conversations do indeed take place within the leadership of DfE but to date there is little evidence of positive benefit from that. Separately, No.10 has recently convened a cross-government summit on 'hidden harms' faced by children and young people during the lockdown to which ADCS was invited. This invitation was warmly welcomed by ADCS as the opportunity to put children centre stage in recovery planning can and must be grasped by government. We sincerely hope this will be the first of the long-awaited national joined-up conversations.

56. **REACT Teams** were established by DfE in the first few weeks of the pandemic. This resource has not been used to its full potential to date. ADCS urged from the outset that the work of REACT Teams must be forward looking (not just reporting on what LAs have done) with a clear priority on 'recovery'. The stated purpose of DfE establishing these teams was to get a richer picture on school attendance and to reduce burdens on LAs from receiving calls from different teams within DfE, RSCs, Ofsted Regional Directors, etc. ADCS suggested variously that those teams could assist with the monitoring of placements 'market' and alert to early capacity issues; could corral the various ideas for 'national calls' for people to return to social work, teaching, working in residential settings, youth work, etc, sense-check and 'monitor' the use by LAs of regulatory flexibilities, helping schools stay in touch with vulnerable pupils not in school, and so on.

57. The funding provided to the NSPCC to establish a telephone hotline for adults to report their concerns about children simply introduced another layer between initial contact and referral to the LA. ADCS acknowledges the helpline has received a huge number of calls, however, there was no consultation with ADCS about the need for or format of this investment, which is disappointing.

58. **A divided department** – despite work to bring different teams together there are distinctly different approaches taken within the department to children's social care, SEND

and schools matters, despite attempts by the different teams to join up. A good and frank dialogue with “trusted stakeholders” characterises the engagement with schools’ side of DfE. Engagement with children’s social care side of DfE has been frequent and intensive (which is welcome) we are concerned as to whether LAs are engaged as trusted partners to lead and manage local systems and the inherent risks therein. There is now clearer recognition of the essential role of the LA in relation to all schools in the local area. For schools to re-open safely, LAs need to be ready with infrastructure support (transport, mental health support, SEND support etc) – strong collaborative relationships between schools and LA on SEND is critical to the success of schools’ extended opening. The welfare role of schools has been strengthened during Covid-19 and for some schools they have become reacquainted with the help and support that LAs offer to all schools.

Legal and regulatory flexibilities and attendant guidance

59. ADCS would advise the necessity of the DfE producing a strategic forward plan of the guidance it has already produced, when this may be updated and reviewed. This would give the reassurance that future guidance across the department is co-ordinated and timely. We estimate that DfE has published some 75 or more documents (many in the schools, teaching & learning arena) each subject to further revisions and updates. As stakeholders, ADCS members are offered the opportunity to comment on draft guidance, we have rarely had more than 24 working hours to provide comments. Nevertheless, every tight deadline has been met and yet publication is frequently delayed.

60. **SEND** – ADCS supported a range of flexibilities on timescales for EHCP assessments. The law to disapply provisions in relation to timescales did not come into effect until the end of April. Between the start of the pandemic and the end of April, when the law was changed, there was a flurry of (threats of) legal challenges were ‘reasonable endeavours’ defence was being used by LAs but helpfully the work on risk assessment had been done and those threats abated. The approach taken by DfE officials working on SEND was holistic: firstly, the risk assessment guidance was produced followed by a suite of simultaneous measures which included legal & regulatory flexibilities, accompanying guidance, and an accompanying letter of explanation for parents and carers of children with SEND.

61. These flexibilities will be necessary for some time to come and certainly until health care professionals and schools are back to a situation that is closer to ‘normal’.

62. **Children’s Social Care** - ADCS supported wide ranging flexibilities to include a whole panoply of flexibilities to depart from the statutory guidance *Working Together 2018*. There has been much speculation as to whether ADCS was consulted on detail of the regulatory changes – we were not. The approach to children’s social care flexibilities by comparison with the holistic approach noted above in relation to SEND flexibilities was not as carefully planned, with regulatory flexibilities coming well before the accompanying detailed explanatory guidance. To date the most frequently used flexibilities are in relation to fostering and adoption. LAs are receiving lots of positive feedback from children in care, carers and care leavers that the less intrusive contact they’ve had with social workers is welcome. This may go some way to explaining the significant reduction in the number of missing from care incidents.

63. The children’s social care flexibilities are necessary for emergencies. It is not inconceivable that there will be a second wave of the COVID-19 virus in the autumn/winter. Moreover, as test/trace/isolate is rolled out nationally, as noted elsewhere in this submission, ADCS members anticipate there will be increased volatility in the available of the workforce. In such circumstances the children’s social care flexibilities will be essential. It is better to

have these flexibilities and not use them, than revoke them and then seek to have them reinstated. ADCS would support a review of how the flexibilities were deployed once the pandemic has passed, to understand whether any changes to ways of working could be adopted longer term or indeed if greater protections and safeguards are required for children, particularly those in our care, and care leavers. They should be fully involved in this review process.

64. Although financial responsibility for **UASC** lies with the Home Office (HO), the policy responsibility is shared across DfE & HO. There has been a poor response to the significant pressures still faced by Kent County Council (and others, notably Croydon and Portsmouth) where UASC have continued to arrive spontaneously on flotillas of small boats across the Channel. Presentations have reduced dramatically elsewhere but are beginning to rise again and will continue to do so as Europe re-opens from its COVID lockdown, and as the weather improves. Kent, Croydon, Portsmouth and some London Boroughs are supporting an unsustainable number of UASC and UASC care leavers. During the UK's lockdown, the voluntary National Transfer Scheme has shuddered to a halt. It was anyway under significant strain before the pandemic for two principle reasons. Firstly, the funding rate for UASC and UASC care leavers is inadequate (the latter being woefully inadequate and under review by the Home Office for close to 4 years now, and still no result) and has long hampered transfers. Secondly, a lack of suitable placements. If the UASC care leaver rate can be uplifted significantly that may encourage some councils to re-enter the voluntary transfer scheme. Until that time, Kent and others must continue to find accommodation suitable for isolation (single bedded, en suite) for spontaneous arrivals. There is quite simply nowhere for Kent to go. It is receiving no assistance from central government with sourcing placements suitable for isolation.

65. To date, **the challenges of re-instating home-to-school transport have not been tackled**. Pre-COVID it cost £1b p.a nationally. DfE's guidance in relation to the phased extended opening of schools notes that use of public transport to get to and from school should be 'all but eliminated' but where it is absolutely necessary pupils should travel at off-peak times. This will be extremely complex to achieve in densely packed urban conurbations and all but impossible to achieve in more rural areas.

66. If social distancing is required on home to school transport (as is advised for traveling on public transport) this could triple costs; that said, this isn't just about money (although the potential cost is eye watering):

- There are not sufficient buses/taxis in many areas to increase capacity – many operators are at risk of going under – LAs have no time to go out to tender and for some LAs their last tender exercises would lead them to conclude many routes would not have any uptake/capacity i.e. are unviable for providers
- Some SEND pupils travel from home to school via taxi or bus, often with an escort. It is not uncommon for people who volunteer to act as escorts to be older, and possibly old enough to be in the 'shielded' category
- Year 12s currently do not have statutory entitlement and pay for their school transport, but bus companies in some areas are saying they won't take cash and not all children have debit cards to pay
- Parents in receipt of Motability funding from the state because they have a child with SEN/D must be encouraged strongly to use their vehicle to take their child to school and not rely on SEND home to school transport (this double-funding of some families is iniquitous and must be resolved)
- The absolute entitlement in law to free home-to-school transport for some pupils will unfortunately mean that some LAs cannot meet their statutory duties leaving them

potentially open to judicial review- irrespective of how impossible it might be to deliver on the duty.

67. LAs will need flexibilities applying to the entitlement to free school transport, particularly when secondary pupils return in larger numbers in September.

Considerations for the future

68. Lots of valuable insights have been gained, underpinning what many have been saying for a long time in terms of:

- The demographic of foster carers and family & friends carers
- The lack of overall placement capacity for children in care and care leavers and the geographic imbalances of placement availability. 0.5% off the school capital budget would release £500m to build more children's homes (inc welfare secure provision)
- Extension of the Pupil Premium (Plus) to CiN. DfE should consider increasing the levels of the premiums to facilitate an inclusion agenda and allowing for individual support to be provided to pupils. A wider definition of who is eligible for Pupil Premium (Plus) funding is required and close monitoring (possibly by Virtual School Heads) of how schools use that money will be required
- The government's childcare policy (30-hours subsidised for working parents) – has contributed inadvertently to the vulnerability of the PVI sector (staff cannot be furloughed). Now more than ever the policy should be focussed entirely on vulnerable families e.g. the offer to disadvantaged 2-YOs
- Re-shaping of the 'Troubled Families' programme to help many, many more families to recover from disadvantages that have been 'baked in' during lockdown
- Review entitlements to free home-to-school transport (for non-SEND pupils)
- Devise and implement a child poverty reduction strategy
- DfE and other government departments should re-consider the ways in which they invest their resources. For example, the investment made by government in the National Citizenship Service could be re-directed to invest in youth work services to help teenagers to recover from their experiences of loss of schooling and of the pressures of lockdown.

69. There are five areas that the DfE could helpfully focus upon as we move into recovery/ re-set phase:

1. Lead across government on an understanding of the impact on childhood of the pandemic and lockdown.
2. Re-set the role of schools – schools very clearly have a dual role in education and welfare.
3. Re-set the role of the relationship between families and the state (including appetite for thresholds for interventions)
4. Support LA children's social care innovation in the recovery period. To be clear, we do not mean establish another round of bidding into the DfE's CSC Innovation Programme.
5. Lead the charge across government of securing adequate resources for and investment in children's services to help ensure the success and sustainability of recovery and re-set.

(Submitted to the Select Committee on 2 June 2020)

June 2020