

Our response to the government's 'Stable Homes, Built on Love' consultation – plan for children's social care

Comments to lucy.croxtan@togethertrust.org.uk

Overall, to what extent do you agree these six pillars are the right ones on which to base our reforms for children's social care? - Agree

As our consultation response will go onto discuss, we feel that the six pillars identified by the Government for reform are generally correct. However, reform plans in some areas of the system, such as semi-independent accommodation, are currently unsatisfactory for meeting the government's aim of 'love, relationships and a stable home' for every child in care.

Successful implementation of the six pillars will depend upon various factors including: a competent and trained workforce (not limited to social workers), sustainable funding and resourcing, and a long-term commitment to evaluating and adapting reform plans to prioritise children's welfare.

What more can be done by the government, local authorities and service providers to make sure that disabled children and young people can access the right types of help and support?

Firstly, the government must ensure that it seeks the views of disabled children and families on children social care reform as it goes forward, as the needs of this group are often different than those who first engage with the system from a child protection perspective.

In the UK more than 1,129,000 children require SEND support through an education, health and care plan. However, children in care are significantly more likely than other children to be identified as needing support, with research highlighting that 80% of children in care need special educational support between the ages of 5 and 16 (UCL, 2020).

It is therefore vital that children's social care reform aligns with SEND reform, and that every government department, including the Treasury, is committed to bettering outcomes for disabled children and their families. In response to the SEND review consultation which the DfE ran last year, we put forward fifteen recommendations:

- It must be made clearer to families what rights and support they are entitled to
- Any SEND reform should be co-designed with children and families
- Changes must join up the system for children and families
- There must be mechanisms which ensure compliance with the law
- Parental choice must be retained
- Families should have access to an independent advocate
- Ofsted inspections must be more focused on SEND
- The government should take steps to address delays in the system
- Family Hubs should include SEND support

- Supported internships should be more inclusive
- Post-16 support must be a priority
- National and local data should be used and improved
- Needs should not be made to fit into funding bands
- A clear timeline for reform is needed
- Gaps in the Green Paper must be addressed (with reference to physical disability, children in care, school avoidance and diagnostic overshadowing).

We were pleased that many of the recommendations have since been taken forward by the government in the recent SEND Improvement Plan, including a commitment to co-production by the Minister. However, there remains areas for improvement.

Transitions from childhood to adulthood remain a challenge where there is a drop in adult social care funding, local services and persistent workforce challenges. In May 2023 we held a workshop to understand what could be improved in the transitions process for children with SEND. Attendees included professionals working in residential settings (children's homes, respite), foster carers, school leaders and social workers.

They told us that the key issues which relate to the children's social care system were:

- Not enough social workers
- Arbitrary change of social worker when a young person becomes 18, with the new 'team' often not being up to speed
- Parents needing to repeat their child's needs and history to each new professional
- No clear accountability for which service is responsible for delivering what, when
- Constant delays and time constraints, often meaning that finding an appropriate setting is a 'last ditch effort'
- Poor information sharing between professionals and siloed workstreams
- Age-related benefits changes (from Disabled Living Allowance to PIP) can result in income dropping which impacts other parts of the system
- Misalignment of policies due to different geographies and individual interpretation
- Lack of centralised information meaning parents don't know all the options
- Partners (health was frequently cited), not attending meetings such as A Team Around the Child planning

When asked what interventions would make the most difference to children and their families they said:

- Social workers play a key role, there needs to be more of them, they need to be better retained, and they need to be trained (specifically on disability and transitions)
- There should not be a hard cut off in care and support at 16 or even 18, especially where children and families have developed meaningful relationships with professionals in their lives
- There must be consistency in funding, policy and paperwork across local authorities and government

- Government must be take a person-centered approach based on the needs of the individual and what they want/need to live a happy and healthy life

Some parents and carers told us that disabled children could benefit from having access to an independent advocate, as children in care are currently entitled to. An advocate's role would be to listen to the wishes and feelings of the child and ensure that that the support they receive is tailored to what they need. Advocates could help children and families understand their rights at key stages including in the transition from primary to secondary school, and in navigating different services.

Furthermore, we have heard from parents and carers that s.17 child in need assessments are not always tailored to the needs of disabled children and can leave them concerned that their child will be taken away.

One parent, Julie* told us that a s.17 assesment worsened her mental health after a visiting social worker insisted on speaking to her son and touching his possessions. Julie's son has Autism Spectrum Disorder and selective mutism and found the interaction distressing. Social workers and other professionals working within child services must be trained on supporting children with disabilities and adapt their approach to child in need assessments.

To what extent are you supportive of the proposal for a system that brings together targeted early help and child in need into a single Family Help Service in local areas? – Somewhat supportive

We want to see families being supported to care for their children wherever possible. The Family Help offer must be clear, transparent and agreed upon with stakeholders, including those most likely to access services, such as victims of domestic violence, those seeking support for addiction etc.

'Early help' cannot be effective if it is targeted and excludes families who could self-identify as needing help. Removing the distinction between targeted early help and child in need as the strategy proposes would be legally incoherent and damaging to families. Section 17 includes early help but has a degree of flexibility, whereas restricting its definition would leave councils unable to respond to the full range of families' needs.

The Review recommends that a 'temporary injection of £2 billion is needed over the next five years' to target about half a million children who require extra support. Across England, Councils are already facing an immediate £3bn black hole in their child services budget. We do not believe that the measures suggested to mitigate the number of children entering care are sufficient (including instigating a national foster care recruitment campaign, modernising adoption, and improving the rights of extended family to become kinship carers) without Councils' accessing immediate funds upwards of £3bn to stabilise their services before any 'transformational' changes are brought into force.

Additionally, the government should clarify what the criteria for areas to be chosen for Pathfinders pilots, which will start developing the new model for Family Help in 12 local areas, will be. We are concerned that good practice may be lost in unfunded areas, leaving all but 12 local authorities to continue their financial spiral of cuts and service closures. We ask that the government increases funding to all local authorities so that they can commission services which meet the needs of children living in their area.

Lastly, we welcome the governments focus on keeping families together where possible. However, it is vital that outcomes, objectives and indicators cut across all aspects of a child's care experience and there is a clear rationale underpinning what is being measured and how it relates to the government's national strategy. There is a risk that by imposing a new requirement on professionals and services that are already stretched, standards in other parts of the system where there is less oversight may drop, including in semi-independent accommodation.

Looking at the features of early help listed below, in your opinion or experience, what are the top 3 features that make it a supportive service for families? [Select 3 only]

- Being able to access the right type of support
- The service is designed together with the input of children and families
- Early help is based in local communities and sits alongside other services such as education, libraries, citizen's advice services and housing services

Early help should have all of the above features.

In your view, how can we make a success of embedding a "family first" culture?

To make a success of embedding a 'family first' culture, all departments of government need to join up and work towards removing structural barriers. As a society we must value the role of caring, and enable families to easily access support from their communities. Some actions the government can take include investing in affordable housing and raising universal credit income to lower relative child poverty rates, as we will go on to discuss in a later section of this response.

The Family Help model will be aimed at the cohort of families 'who receive targeted early help' but those not eligible for Family Help should have universal support available through family hubs, health visitors, school nurses, and other forms of support such as 'Mental Health Support Teams' within schools. However, the Review does not state how much Government investment would be needed to make community services universal, nor recognise that we are currently a long way from this. We recommend that the government brings forward and consults on a separate strategy to clarify the relationship between Family Help, S.17, universal, community services and specialist/acute services for children.

We must shift to a model of early identification and support for all children within the children's social care system. For children in care, this involves identifying the important relationships a

child has early (before they are taken into care), improving contact between siblings and relatives, and allowing children to have a say in the way that they are cared for.

In your view, what would be the most helpful forms of support that could be provided to a family network, in order to enable them to step in to provide care for a child?

It always depends on the families' circumstances and the child's individual needs. Both practical and emotional support are necessary to enable a family network to care for a child. For example, mental health support assessments must happen early in the process to minimise escalation of needs.

Advice around income maximisation, routine benefit checks and signposting to other sources of assistance could also contribute positively to the support available to families, but we are not convinced that they will go far enough alone.

During the COVID-19 pandemic, 400,000 children in the UK were lifted out of poverty as a result of the Government raising universal credit (UC) rates by £20 a week. If this policy was sustained, and accompanied the offer of Early Help mentioned within the Review, it would help mitigate multiple of the 'wider context' problems identified by the Review, including:

- Poverty and inequality
- Pressures in family support and other services
- Mental Health (causal link)
- Domestic Abuse (causal link)

Further to this, the report makes no recommendations about ensuring that short breaks and therapeutic support are available to families, except for reference to increased support for foster carers. We feel this is a missed opportunity and would like to see it included within the Family Help model.

We want to see the provision of quality training (including training for trauma, attachment, ACEs, behaviour), and sufficient remuneration for kinship carers and family members that step up for children to prevent them from entering care. We are concerned that there is no detail provided within the Review about how much training these cohorts would cost, or the level of investment that the Government should provide. Without this level of detail, we feel that it is unlikely the recommendation will come into fruition.

Overall, to what extent do you agree that the 6 key missions are the right ones to address the challenges in the system? – Somewhat agree

The missions are broadly right, but their successful implementation depends on different factors including sufficient funding, resources, workforce and accountability. We have various concerns about how and when the missions will be achieved, which we detail below.

Mission 1: By 2027, every care-experienced child and young person will feel they have strong, loving relationships in place.

We agree with the principle that local authorities must be required to prioritise children's loving relationships. However, it will be difficult for local authorities to evidence that they have done this due to the complex nature of relationships. We recommend that independent advocates are trained on facilitating conversations about relationships with children in care and are able to make complaints on behalf of the child where meaningful relationships are not being nurtured.

We know that for children in care, including children living in residential care, some of their most meaningful relationships are with those who look after them. As the largest voluntary provider of children's residential care in England, we know that our staff are a huge asset to our children.

We also know that social workers have a crucial role to play in children's lives, yet there's no reference to the high turnover and vacancy rates for residential workers, among other professions. We recommend that the government commits to a workforce strategy for residential care, and would welcome a further conversation with the Department for Education about the issues that we and many other organisations who care for children are currently facing.

Lastly, siblings who stay together are more likely to have stable placements and this can be a protective factor. We acknowledge that sometimes this is not possible, but in our experience it can take local authorities a long time to find an adult placement for siblings with complex needs, which can either delay the transition process or result in siblings being placed in different settings to their detriment. It is important then that reform to adult's social care keeps pace with the ambition of reform in this area.

Research shows that 37% of children in care in England have been separated from their siblings. For older children placed in semi-independent accommodation, the chances of being separated is greater, estimated at 93% ([Weinstein, 2023](#)). If it is in the best interest of a child, it is crucial to have robust plans in place for maintaining meaningful contact with siblings.

Mission 2: By 2027, we will see an increase in high-quality, stable and loving homes available for every child in care local to where they are from.

What is missing from this mission are the words 'caring' and 'safe'. However, semi-independent accommodation, even with the government's new inspection and regulation regime in place, does not meet the ambition of providing care leavers with a stable and loving home.

Children in care in England were placed on average more than 18 miles from home in 2022, with some children being moved more than 500 miles from home (Become, 2023). Children who are moved more than 20 miles from home are more likely to have lower wellbeing and experience emotional difficulties than children placed closer to home. (Become, 2023).

We are asking for a national commitment to stop children being placed miles from home when it is not in their best interests. Every local authority should have sufficient funding to build provision that provides care to children in their community and to create strategic partnerships with voluntary organisations where there are gaps.

Local authorities must be able to choose the right care for children, rather than the cheapest. We are concerned that the rising cost of care, coupled with significant shortfalls in local authority budgets mean that cost is becoming a more important factor when placing a child. We recommend that national government measures the percentage of children placed in settings, by area, according to their best interests as outlined in their placement plan.

The government's recent response to its consultation on regulating semi-independent accommodation states that providers will not be expected to install locks on doors of children, including children living in shared accommodation with adults. Additionally, children will continue to be placed in caravans, barges and bedsits. All of these forms of accommodation fall short of the government's ambition for a high-quality and stable home for every child.

According to the consultation, 16- and 17-year-olds will only be placed in semi-independent provision when it is high-quality and the right option for them. Without national data on the best interests of each child, there is little assurance that this is the way semi-independent accommodation is being used.

Now, one in three 16- and 17-year-olds live in semi-independent accommodation when they first enter the care system, and it represents the fastest growing part of the care 'market'. We recommend that the government extends the protection it granted children when it regulated in 2021 to children aged 16 and 17.

Mission 3: By 2027, we will strengthen and extend corporate parenting responsibilities towards children in care and care leavers across the public sector

In principle, we welcome the extension of corporate parenting responsibilities to all public bodies for children in care, as it could lead to positive changes in societal attitudes towards children in care and care leavers.

However, we would reiterate that those bodies will need to be trained fully on what it means to be a corporate parent, including their obligations and responsibilities, so that every child receives the quality of care that are entitled to, and so that the role of a corporate parent is not weakened.

Furthermore, whoever is working with children is already required by the law to safeguard children and promote their welfare. Extending corporate parenting responsibilities could therefore lead to a loss of accountability, as we have heard evidence of in relation to the SEND system by our workforce and parents.

Ultimately, we would like to see a more detailed plan of how corporate parenting principles will be applied before commenting further. We recommend that the government publish these details for separate consultation.

Mission 4: By 2027, we will see an improvement in the education, employment and training outcomes of children in care and care leavers

Research shows that care leavers are three times more likely not to be in education, employment or training (NEET) than other children. In the last few years, it is positive that the government has developed programmes such as the Civil Service Care Leavers Internship Scheme and that proactive businesses such as John Lewis have begun to create job schemes for care-experienced people.

In 2021 our research revealed that 67 local authorities were responsible for 3,253 children aged 16 and 17 who were not in education, employment or training while living in semi-independent accommodation. The government should routinely collect this data and challenge local authorities where children in care are not attending school without compelling reason.

As we have highlighted previously, around 80% who are in care also have a special educational need or disability (UCL, 2021). In our experience of working with children who have a disability, there is a sharp cut-off in post-16 support which means that many children do not transition to work or further education.

Nationally, only 22% of autistic adults are in any kind of employment (National Autistic Society, 2021). Furthermore, schemes which exist to improve this gap such as Supported Internships are often too narrow in scope to benefit the disabled children we support in our specialist colleges, for example.

We recommend that the government conducts research on how these two factors – care experience and special educational needs and disabilities interact when children are transitioning from school into work or further employment. We would welcome further discussion with the Department for Education on this point.

Lastly, we welcome the apprenticeships care leavers' bursary increase from £1,000 to £3,000, though we do not think it is enough to ensure an improvement in the employment and training outcomes of care leavers overall.

Mission 5: By 2027, we will see an increase in the number of care leavers in safe, suitable accommodation and a reduction in care leaver homelessness

The Alliance for Children in Care and Care Leavers, a group which represents more than forty organisations who support children in care, put forward a series of policy recommendations to the Review of Children's Social Care and the Department for Education on homelessness. We are grateful that the Department for Education has since agreed to give care leavers priority

status in law for local authority housing, and ending the use of the intentionality test up to the age of 25.

We further recommend that the government amends' the Homelessness (Priority Need for Accommodation) (England) Order 2002, to reflect this change in policy at the next available opportunity. It is also crucial to monitor and evaluate this policy change to identify whether it is making a difference for care leavers.

Mission 6. We will work closely with health partners to reduce the disparities in long-term mental and physical health outcomes and improve wellbeing for care experienced people

Addressing wellbeing disparities must be a priority for the government. Currently, adults who have spent time in the care system as children are twice as likely to die than their peers (UCL, 2020). Health partners need to work together to identify why this is and put a robust plan in place to lower this rate.

Research has shown a clear link between poorer health outcomes and socioeconomic status, housing, education, employment and other social determinants of health (AYPH, 2021). We recommend that the government takes supportive actions for marginalised groups to address drivers of poor mental health. Specifically, there is a need to develop a mental health strategy for children in care and care experienced people, and to create dedicated services for care experienced people.

To improve the well-being of people who are more likely to live in relative poverty, policy must concentrate on mitigating the impact of the cost-of-living crisis on those who are most vulnerable. Policies such as the Winter Fuel Allowance and the increase to Universal Credit paid during the Pandemic have the potential to make a positive difference to people's overall wellbeing. Implementing policy designed to alleviate risk factors for poor mental health would reduce pressure in other parts of the system, such as the children's social care system.

What support is needed to set up and make a success of Regional Care Cooperatives?

We believe that the Regional Care Co-operatives model may not be the right one to address issues faced by the children's social care system (e.g weak oversight of the market, placement sufficiency, excessive profit-making by private providers). Instead, the new model may exacerbate or create new problems that have a detrimental effect on children in care. However, that does not mean there are no benefits to a more regional approach to commissioning such as sharing best practice.

A re-organisation of the care system on this scale would take several years and require changes in practices and processes for everyone involved in the system. Meanwhile, issues within the care system require immediate action. Furthermore, complex reorganisation without significant investment could delay addressing these issues. The Alliance for Children in Care and Care Leavers recently shared a briefing with the DfE which outlines some of our concerns about a shift to the regional model in further detail.

To what extent do you agree or disagree that a care-experienced person would want to be able to form a lifelong legal bond with another person?

What would you see as the advantages or disadvantages of giving legal recognition to a lifelong bond?

We agree with the principle that meaningful relationships come in many different forms, especially within the children's social care system. We would encourage the Department for Education to consult further with care experienced people to scope this proposal. However, there are a few points we want to highlight that we feel are relevant to its development.

Any proposal of this nature must make clear:

- What the impact of 'legal recognition' will be, for example, if a person with a lifelong bond in place is injured or dies, what decision-making capacity does the 'bonded' person have, is it equal to that of a parent or next of kin, or lesser?
- What is the minimum age at which a 'lifelong bond' can be established, and can it be rescinded?
- How will the offer of a 'lifelong bond' be communicated to children in care and care leavers?
- Will it apply to care-experienced people who are disabled, for example non-verbal people who may not be able to consent to a 'lifelong bond'?
- How will a lifelong bond interact with the possibility of extended corporate parenting responsibilities, and who will ultimately be responsible for providing statutory entitlements such as financial support?
- How will legal recognition of a 'lifelong bond' interact with other legal forms of relationships including Independent Visitors, Independent Advocates, IRO's etc?

We can see how this proposal could be positive for care experienced people, but there may well be legal complexity. Ultimately, the formation of a lifelong bond must not lead to a reduction in children's rights and entitlements from the State.

Do you have any additional suggestions on improving planning, commissioning and boosting the available number of places to live for children in care?

The largest indication that the children's social care system is not functioning properly is that a disproportionately large number of children continue to be placed far away from home, on average 18 miles away (Become, 2023), or are placed in semi-independent or impermanent accommodation because there are not enough regulated settings across the country.

The government should collect national data on what proportion of children are living in a place which is identified in their placement plan as being in their best interest, as this is a more accurate indicator of the state of the care 'market' than how many providers of care and support there are at any given time.

Indeed, the new standards and Ofsted inspection regime for semi-independent accommodation may result in more semi-independent providers registering than regulated children's homes. However, that does not mean that more children will have their needs better met in semi-independent accommodation, instead it is an indication that this provision is cheaper to build, maintain and staff.

We have heard reports that the government wants to boost the supported lodgings sector, as they offer 'familial homes' to children. However, we would suggest that familial homes are ones that provide care to children, not a room in a family's home. The best interests of children should drive market stimulation, not cost.

As soon as is reasonably possible, the government should commit to bringing semi-independent providers into the quality standards framework and inspection regime which already exists for regulated children's homes through the Children's Homes Regulations 2015. The £140+ million being invested in creating a new sub-standard Ofsted and inspection regime should be utilised instead in the form of grant(s) to help good providers improve to the standard of regulated children's homes.

Alongside that, there needs to be greater levels of investment for local authorities to build up provision in their community and for innovative partnerships with the voluntary sector and those who have specialist knowledge of caring for children with complex needs.

Broadly, we support commissioning solutions which have been proposed by Children England, including:

- Their proposal for a Care Bank to bring the financing and procurement of care to a single national body while leaving service commissioning and sufficiency under LA duties.
- A Children Act Funding Formula to distribute national taxation to all authorities according to the needs of children of in their area, factoring in the additional stresses caused by poverty and disadvantage. This would empower local authorities to provide the range of support families need and to which all children are entitled under Section 17 of the Children Act 1989.

To better understand Children England's planning and commissioning proposals please contact kathy.evans@childrenengland.org.uk

Are there changes you think would be helpful to make to the existing corporate parenting principles?

We believe that there should be a mechanism for ensuring that corporate parenting principles are applied consistently. In the SEND system, representatives are able to apply to the SEND Tribunal on behalf of the child (as an appellant) where there is a disagreement about how the law has been applied by the local authority. In 2020/21 96% of cases were decided in favor of the appellant.

For children in care and care leavers, there is not currently a mechanism that exists to challenge decisions made by local authorities which breach corporate parenting principles other than complaint or in some limited circumstances judicial review action. The government should consider allowing independent advocates to appeal to a tribunal on the basis of enforcing corporate parenting principles and improving the outcomes of children. However, the government must significantly increase funding available to local authorities if it is to expect them to meet their corporate parenting responsibilities all of the time.

Which bodies, organisations or sectors do you think should be in scope for the extension of the corporate parenting principles - and why?

If corporate parenting principles are extended, all the relevant services including health, policing & justice, housing, education, the Department for Work and Pensions should be formally required to promote the wellbeing of children in care and care leavers.

Extending corporate parenting principles in education will help deliver a step change to improve outcomes. Particularly, it can bring an improved focus on the importance of stable school placements, reducing exclusions, and delivering smooth and prompt transitions between schools. There is further need to improve the proportion of care leavers who go on to university, as currently only 6% of 19-21 year olds who left care enter university compared to 37.5% (DfE, 2021e).

In relation to housing, all care leavers must have the right support to help them transition into a home which meets their needs. Housing providers must be flexible in their approach to accommodating care leavers when things go wrong, provide alternative options and help avoid unnecessary evictions. Local authorities must give care leavers priority need for social housing until age 25 and ensure they are not applying the 'intentionality test'.

We also agree that the health sector should be formally required to promote the wellbeing of children in care and care leavers. Care experienced people must be able to access help in a timely manner, and it is crucial for staff to be trained in the needs of care experienced people, particularly the impact of abuse and neglect, as they make the transition to adulthood.

Corporate parenting principles should also be extended to the policing and justice system, as research suggests that children in care continue to be unnecessarily criminalised. A recent report suggests that more than half (52%) of children in care had a criminal conviction by age 24 compared to 13% who had not been in care (Children's Commissioner, 2022). At the strategic level, each force should have a plan for keeping children in care out of the criminal justice system.

Additionally, extending corporate parenting principles to the Department for Work and Pensions could ensure that social security and employment support meets the needs of care leavers. One way that this could be achieved is by matching the benefit rates for care leavers under 25 in line with the rates for over 25 year olds, in recognition that they often do not have the family support

networks that other children have. The DWP could also influence economic and industrial policies that would support care leavers to access training and employment that makes the most of their skills and interests, and improves their outcomes in adulthood.

Lastly, government itself should have a corporate parenting responsibility. In our recent conversation with Swedish Government it is clear that every department is aware of their responsibility to develop policy which at the minimum causes no harm to children. Government should seek to make decisions for children in the care of the State that would be rationale for parents in the community. We also support the calls of Children's Rights Alliance England and other organisations for a Minister for Children who would act as a champion for children's rights at the heart of government.

Overall, to what extent do you agree that our proposals on the social worker workforce address the challenges in the system? - Neutral (neither agree nor disagree)

While this proposal is positive, we do not agree that it will sufficiently 'address the challenges in the system' without significant reform in other areas. Our workforce have told us that the problems specific to the social workers are:

- Not enough social workers (recruitment issue)
- Low levels of retention (due to social workers high case load and burnout)
- No stability for the child (because of constant turnover)
- Overreliance on agency staff (as a temporary solution)
- Strained relationship between child, family and social worker (because of resulting distrust)

We welcome the government's commitment to lowering the levels of agency social workers, but want to highlight that this problem will continue to occur in residential homes and other parts of the system. We urgently need a workforce and retention strategy for children's residential care.

Alongside this, the government must take steps to retain foster carers which go beyond tax breaks. A recent poll suggests that as many as half (54%) of foster carers are considering resigning because of the cost of living crisis (FosterWiki, 2022). We understand that the current plan is to trial the Mockingbird model in local authorities and evaluate its impact on recruitment and retention with a view of rolling it out nationally. While Mockingbird has had some positive early evaluations, it is not a silver bullet.

We acknowledge that more foster carers are needed nationally, however, the government must also focus on retaining foster carers with experience of caring for children. We recommend that the government publishes a Foster Care Retention Improvement Plan which outlines what other actions it is taking to ensure that it retains the 55,000 foster families which care for more than 70,000 children across the UK within the next year.

If you want the proposals to go further, what would be your top priority for longer term reform

We believe that all children in care should receive care where they live until 18. We want to see a firm commitment from government to ending the use of semi-independent accommodation for 16 and 17 year olds immediately.

There have also been countless reports highlighting the dangers that children living semi-independent accommodation are exposed to, including Britain's Hidden Homes (BBC, 2019), and we know of at least 34 children who have died while living in semi-independent accommodation over the last five years. We do not believe that the reforms go far enough to mitigate the risk of serious harm or death occurring in semi-independent accommodation. Our concerns are not isolated.

The new semi-independent standard and inspection regime normalises children leaving care at 16, and is at odds with government plans to extend Staying Close and Staying Put in recognition that children benefit from living in a family home for longer.

In 2021, the former Children's Commissioner, Anne Longfield said:

"The Government's ban on unregulated provision for under-16s in care is very welcome, but it needs to go further and include all under-18s."

In 2022, the chair of the Independent Review of Children's Social Care wrote that:

"By 2025 all children in care will [if the recommendation is accepted] be living in homes where they receive care."

In January 2023 the Children's Commissioner for England said:

"To me it is clear that these reforms do not go far enough. The proposed reforms, as they are, mean that children aged 16 and 17 can still be placed in settings where they legally cannot receive this much needed care. While I welcome the intention to drive up standards in this sector, I believe that these standards should be viewed as an interim step with a clear expiry date. My ultimate aim is to get to a point where every child in care is living in a setting that is able to provide them with care rather than just support."

As soon as reasonably possible, the government should introduce a Caring Homes Improvement Plan which outlines:

- When the semi-independent standards and inspection regime will be phased out and replaced by the unequivocal entitlement of care for children until age 18
- Details of how the government will create sufficiency of regulated homes for children (using responses to QX of this consultation, and through further sector engagement and consultation)
- Timelines for relevant legislation and statutory guidance to be updated

Beyond the proposals set out in this chapter, what would help ensure we have a children's social care system that continues to share and apply best practice, so that it learns from and improves itself?

As discussed within this response, central government funding must match the realities of the children's social care system. We have a single ask of government in relation to this point: make a commitment to sustainable, long-term investment in the children's social care system beyond the £200 million which has already been allocated (and is only 2% of the annual cost of maintaining the current system). At least £2.6bn needs to be promised over the next four years in line with the Independent Review of Children's Social Care recommendation.

Cuts to funding have been on the basis that there is excess in the system to cut. However, it is impossible for children's social care system to be 100% efficient, because there needs to be a reserve in place to meet children's needs when they present for the first time, regardless of how many other children also need to access the same services. Our ability to meet children's needs and keep them safe regardless of where they live should be our overarching ambition.

Currently, children from the poorest neighbors are 14x more likely to be referred to social care services than those from the richest (Goldacre and Hood, 2022). Needs which are not met when they arise will worsen a child's outcomes and be more costly over the long-term.

We agree with the Chair of the Independent Review of Children's Social Care, that providing early, non-stigmatising Family Help (without a threshold) could be a good mechanism for achieving this goal. However, there will always be situations where children cannot safely live with their family, and there must be funding and resources at both ends of the spectrum.

Alongside this, the government should ensure that data sharing arrangements for children in care and care leavers are in place, particularly for those who also have a special educational need and disability or additional health needs. This will be crucial if the government moves forward with plans to extend corporate parenting principles to other bodies.

Additionally, there should be the expectation that all relevant parties attend important meetings (such as care planning). In the SEND system, professionals have told us that too often children are left without representation from an agency. Government must learn from the weaknesses of the SEND system when refreshing its 'working together to safeguard children' guidance.

In your opinion, how can we ensure the delivery of reform is successful?

Reform must be co-designed and co-produced with children in care and care leavers. However, the current consultation process is not accessible enough, particularly for children who have disabilities. Government should work closely with the voluntary sector to speak directly with children about the policies they are proposing and gain first-hand feedback. We believe that the success of the reform must be evidenced based upon the difference it makes to children's lives. Government must engage with children at every step of reform to measure this change.

The government must also recognise the value of the voluntary sector, which have lots of expertise to contribute to the government's reform plan. We are fortunate to have consistent Department for Education engagement through the Alliance for Children in Care and Care Leavers, but actions are not always followed up consistently.

Do you have any overall comments about the potential impact, whether positive or negative, of our proposed changes on those who share protected characteristics under the Equality Act 2010 that we have not identified? Where you identify any negative impacts, we would also welcome suggestions of how you think these might be mitigated.

Yes. We believe that the governments' plans for a new inspection and standard framework for semi-independent accommodation breaches the Equality Act 2010 in that it discriminates against children based on age and ethnicity. We acknowledge that this was one of the grounds brought in a recent legal challenge, Article 39 v Department for Education, which is still pending appeal.

Do you have any overall comments about the potential impact, whether positive or negative, of our proposed changes on children's rights?

There are many rights for children contained within the United Nation's Convention of the Child (UNCRC) which have not yet been adequately incorporated through law or statutory guidance. We believe that the experiences of children in care and care leavers would be significantly improved if they could rely on these rights.

These include:

- The right to be protected from harm (Article 19)
- The right to have the best care if adopted, fostered, or living in care (Article 21)
- The right to the best health and medical care possible (Article 24)
- The right to protection from sexual abuse (34) and exploitation (36)

We recommend that the government commits to incorporating the UNCRC in law, taking advice from countries who have successfully done so, such as Norway and Sweden, and working with devolved powers who have expressed their intent to do so, such as Scotland.

We recently met with a delegate from Swedish Government who heads the department responsible for creating continuity between UNCRC rights and existing policy, and he shared their learnings with us. If these learnings would be of interest to government please feel free to get in touch.

Lastly, we believe that the new regulation and inspection regime for semi-independent accommodation do not meet all of these standards. The new semi-independent regulation and inspection regime changes duties owed to each individual child into weaker general duties and potentially strengthens semi-independent providers protection against liability for causing harm. Every place where a child lives should have a responsibility to protect them.

