

Together Trust submission to the
government consultation

Introducing national standards for independent and semi-independent provision for looked-after children and care leavers aged 16 and 17

About us

Since 1870 the Together Trust has been providing care, support and education services, we support around 2,000 people aged 5 to 25+ each year across 40 different services. We campaign because the people we support tell us they face daily discrimination, hardship and barriers and they want to see change. We champion their rights, needs and ambitions and campaign on the issues that matter to them.

Key messages

- ⇒ We do not accept the government's proposals that 16 is an age when children no longer need care. All children that are looked after should receive care until they are at least 18.
- ⇒ The vast majority of children of compulsory education age in this type of accommodation are not placed there because it's within their best interests, they are placed there as a result of lack of placement sufficiency and local authority budgets that cannot meet demand.
- ⇒ There are nine quality standards for children's homes which outline what the home should achieve for a child's education, health and wellbeing, achievement, relationships and others. These standards should apply to all forms of children's residential care.
- ⇒ We would like to see proper funding so that all types of children's residential provision, including semi-independent and independent accommodation can meet the children's homes quality standards.

Our response

1 To what extent do you believe that each of these indicators is helpful in determining whether a provider is delivering ‘care’ or ‘support’?

1.1 The indicators are very unhelpful.

2 Please explain your answer

2.1 We do not accept the government’s proposals that 16 is an age when children no longer need care. All children that are looked after should receive care.

2.2 The indicators will continue to enable providers to operate outside of children’s homes quality standards. They will formalise a two-tier care system that denies large numbers of children aged 16 and 17 the care they need.

2.3 The four proposed standards for unregulated accommodation will not ensure that children receive the same type of care that most British parents expect to give their children aged 16 and 17. We commissioned a YouGov survey of 1,060 parents, and we found that they would expect much more for children aged 16 and 17 than the new proposals for unregulated accommodation will deliver. Parents told us that:

- 90% would be there to support them emotionally by doing things that show love and appreciation
- 83% would check where they are going to in the night and providing permission where necessary
- 87% would have time just as a family (e.g. doing family activities, spending time together)
- 81% would take them on holiday if it is possible to (i.e. when COVID-19 restrictions ease and you can travel more freely)

2.4 In the Children’s Home Standards, the registered person must provide activities in the home and outside of the home for the children to enjoy and spend time together, as a family would. Whereas in the four new proposed standards for unregulated accommodation, there is no expectation that staff will provide family-type activities. We would argue that providers that currently offer this option in an unregulated provision operate as an unregistered children’s home.

2.5 The indicators do not account for preparing for independence work that young people in children’s homes go through, where they have more freedoms and responsibilities. We would like to see more flexibility for independence within care so young people can transition into independence within a family-style setting that is right for them.

2.6 Economic reasons or lack of sufficiency should not determine the decision-making processes for when a child no longer needs care. The best interest of a child shouldn’t only be decided by the local authority, it should also be agreed by an Independent Reviewing Officer and a Clinical Psychologist.

3 Do you agree that the Government should define all of this provision as ‘supported accommodation for older children’ in future?

3.1 No

4 Please explain your answer, including any alternative suggestions

4.1 We do not agree with the definition of this provision. The name implies that this route is for older children in the care system. Around 4 in 10 children are placed in unregulated accommodation within less than a week of entering care, there is considerable risk that this route will become the only option for children aged 16+ entering care.

4.2 Parents do not expect to stop caring for their children at 16, in fact over half of parents surveyed by YouGov (64%) would expect young people only to take full responsibility for themselves from ages 18 to 25+. We would argue that this new policy decision is forcing children in care into independence at 16.

4.3 We would hope that any naming of different types of residential care comes from children not professionals.

5 Please provide examples of the types of independent or semi-independent provision that exist in the sector. For local authorities responding, this may be types of provision that you commission or, for providers, this may be a description of the service you offer. We are keen to hear a range of perspectives on this. These may be broad categories of provider types or bespoke examples. Please provide as many details as possible, including:

a. What do you call the type of provision(s) that you use/deliver?

5.1 We do not currently deliver this type of provision but we used to provide supported accommodation for young people leaving care. However, we found that local authorities would not fund the level of care and support that we wanted to deliver in those placements.

b. Could you tell us about the provision, including who the provision accommodates, and how the needs of those accommodated are met through different forms of support?

5.2 We would only provide this type of accommodation for children aged 16+ if there was an expectation of care. All children looked after by the state should receive care and support akin to the love and stability of a family home. Although older children may leave the family home, that home is always there for them. The same

cannot always be said for children in care so corporate parents should do all that they can to ensure that the children they are responsible for have love, support and care up to at least 18.

c. What are the positive features and characteristics of the provision that you would want to retain in future?

5.3 We want to see these type of placements regulated under the children's homes quality standards.

d. What are the negative features and characteristics of the provision that you would not want to retain in future?

5.4 As highlighted in the Care Review's Case for Change, huge numbers of children are forced into this type of accommodation and it doesn't meet their needs. By naming and legitimising this type of accommodation there is a huge risk that those numbers will increase.

5.5 The vast majority of children of compulsory education age in this type of accommodation are not placed there because it's within their best interests, they are placed there as a result of lack of placement sufficiency and local authority budgets that cannot meet demand.

5.6 We have submitted Freedom of Information Act requests to 151 local authority children's services in England to find out the numbers of children in care aged 16 or 17 living in unregulated accommodation who were not in education, employment or training. The data requested related to the period between 1 January 2019 and 31 December 2020. To date, we have had 112 responses. Of these, 3,091 children (from across 62 local authorities) were not in education or training during their placement in unregulated accommodation during this time period – an average of 50 children per local authority. 12 local authorities reported that they did not have any children in unregulated accommodation. 38 local authorities refused to supply the data

based on section 12 of FOIA 2000 – that responding to the request would exceed the appropriate cost limit. In the instances where local authorities refused we asked for the total number of children placed in unregulated accommodation during the time period, some local authorities also supplied this information voluntarily.

5.7 Not all of the local authorities surveyed provided the overall numbers of children in unregulated accommodation, particularly local authorities which appear to have extremely high numbers of NEET children in unregulated placements. However, in some cases the numbers of NEET children in unregulated placements is an exceptionally large proportion of the total. For example, in Solihull, 43% of children in unregulated accommodation are NEET. In Trafford Borough Council, that figure is 57%. In the London Borough of Greenwich, that figure is 60%. These figures are extraordinarily high.

5.8 This high number is unsurprising because of the nature of unregulated accommodation. Children can come and go as they please, there is no 24-hour staffing, nor are providers of this type of accommodation required to encourage, support, or assist a child go to school.

5.9 The age period of 16 and 17 is a hugely important period for children - they may be preparing to sit their GCSEs or A-Levels. Equally, they may be studying a vocational course or embarking on training for a future career. Whatever route they take, they are laying the foundations of their future.

6 Are there examples of where it would be appropriate to place a looked after child or care leaver aged 16 or 17 in a setting that does not deliver any care or support?

6.1 No

7 Please explain your answer

- 7.1 All looked after children aged 16 and 17 should always be given care and support.
- 7.2 Just For Kids Law research found that there are around 1,500 children aged 16 and 17 that are at risk of homelessness who are placed in unregulated accommodation under the Housing Act 1996 but they should be taken into care of local authorities¹.
- 7.3 We would like to see an end to the legal loophole and have the same guarantee of care and support for these children.

8 Are the proposed national standards missing anything that you would expect of any provider of independent and/or semi-independent provision?

- 8.1 There are nine quality standards for children's homes which outline what the home should achieve for a child's education, health and wellbeing, achievement, relationships and others. These standards should apply to all forms of children's residential care.
- 8.2 A key principle of a residential children's home is that children should feel loved and strong bonds should be formed between residential children's home staff and the children they care for. There is no mention of love in the new standards for unregulated accommodation.
- 8.3 Semi-independent and independent accommodation could provide care if they were made to follow the nine quality standards that already exist.

¹ <https://www.justforkidslaw.org/what-we-do/fighting-change/campaigning/housing-and-social-care/not-care-not-counted>

9 Are there any elements of the proposed national standards that you think would be difficult for providers to implement? If yes, why?

9.1 We do not agree that the standards go far enough to protect and care for children looked after by the state. We would like to see proper funding so that all types of children's residential provision, including semi-independent and independent accommodation can meet the children's quality standards. Along with allowing flexibility so that appropriate transitions can be made when a child reaches 18.

9.2 We do not see how the current market will meet the proposed national standards.

10 Which elements of the proposed national standards do you expect would carry the most significant costs? Please explain your answer, providing estimates of cost where possible.

10.1 We expect having appropriately recruited that training staff and a clear management structure will be the most significant cost. The staff in semi-independent and independent accommodation should have the same level of training as children's residential care support workers so they are trained and qualified in child development, safeguarding and attachment. We estimate this to be around £10k per staff member for base level training.

10.2 We would also expect employers to guarantee entry level staff the National Living Wage to:

- 1) Ensure the best quality of care and support to the children in that provision
- 2) Meet government procurement rules

10.3 It would be preferable that staff are guaranteed the Real Living Wage with incremental pay and progression.

11 How much do you expect the costs of provision to increase by if these national standards are introduced? Please explain your answer, providing estimates of cost where possible.

11.1 There should be increased funding from the government so that the children's homes quality standards can apply to all residential provision for children.

11.2 Although staffing ratios in establishments which care for older children may be lower, depending on the individual needs of children, we would still expect a significant increase in staffing cost as the quality of provision would need to mirror the Children's Homes Quality Standards.

11.3 We expect providers to have increased insurance costs.

12 What do you think the main advantages would be of a model where Ofsted registers and inspect at individual-setting level (model 1)?

12.1 This would ensure that the experiences of children living in the settings are inspected and monitored. It will drive quality, ensure compliance and provide a clear framework. Expectations for the inspectorate should be at the same level as it is for children's homes.

13 What do you think the main disadvantages would be of a model where Ofsted registers and inspect at individual-setting level (model 1)?

13.1 None, this model would be in in the best interests of children.

- 14 What do you think the main advantages would be of a model where Ofsted registers and inspects at provider level (model 2)?**
- 14.1 There are no advantages to this model for the children living in this type of accommodation. There would not be the correct level of independent scrutiny.
- 15 What do you think the main disadvantages would be of a model where Ofsted registers and inspects at provider level (model 2)?**
- 15.1 There is greater risk attached to this model due to the potential safeguarding concerns. The inspectorate may not understand the true nature of exploitation and risk over very vulnerable young people as inspectors would be far removed from the children they should be serving.
- 16 If you think an alternative model would be appropriate, please explain this.**
- 16.1 Individual setting inspection is the most appropriate.
- 17 How often do you think providers and/or settings should be inspected? Please explain your answer, including if you think this inspection should be at provider-level or individual-setting level, as set out in the previous question?**
- 17.1 We believe the inspection schedule should follow the children's homes model. Two times a year but more regularly if safeguarding concerns are raised through inspection, children's complaints procedures and advocacy.

Contact

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