

The Children Act 1989 Report 2004 and 2005

A consolidated and classified abstract of the information transmitted to Secretary of State for Education and Skills in relation to the Government's Objectives for Children's Social Services.

Presented to Parliament by the Secretary of State for Education and Skills pursuant to the Children Act (1989) section 83(6): October 2006.

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PREFACE



The Children Act Report 2004 and 2005 – which covers the years 2004 and 2005 – describes a period of intense activity as the Government and our partners worked hard to make a reality of the vision for children’s services set out in *Every Child Matters: Change for Children* (December 2004) and the Children Act 2004. It is published as we enter a further phase of intense activity and attention brought about by the publication in October 2006 of the Government’s Green Paper on Children in Care.

Every Child Matters: Change for Children launched a national framework for 150 local change programmes. Local Authorities and their partners combined to take forward this radical and ambitious programme. Over 140 Directors of Children Services and more than 100 Lead Members have been appointed, providing greater local accountability for the performance of children’s services in their areas. Every Local Authority in England now has a statutory Local Safeguarding Children Board. And children and their families are experiencing the benefits – so far 900 children’s centres, 2500 fully extended schools and integrated targeted youth support teams introduced across the country as we work towards providing these services everywhere by 2010.

Our challenge is to make sure that all children benefit from these extensive reforms but as this Children Act Report shows, although there has been improvement, outcomes for children in care remain unacceptably poor. Our Green Paper – *Care Matters* – therefore presents our proposals for a radical reform of the “looked after system” and should be read alongside this report.

Following the example of previous reports, the Children Act 1989 Report 2004 and 2005 is based on the Government Objectives for Children's Social Services and provides information drawn from statistical collections and research. To help set the data in context, each chapter refers to relevant policy developments and publications where appropriate.

A handwritten signature in black ink that reads "Beverley Hughes". The signature is written in a cursive style with a large initial 'B' and a long, sweeping underline.

Beverley Hughes
Minister of State for Children, Young People and Families

CHAPTER 1

SECURE ATTACHMENT AND STABILITY

Objective: To ensure that children are securely attached to carers capable of providing safe and effective care for the duration of childhood.

INTRODUCTION

1.1 Children need stability in order to enable them to develop attachments and achieve the outcomes, to which we aspire, for all children. However, some children who are not able to form these attachments in their present living circumstances may need to be moved, which entails difficult judgements for all concerned.

1.2 This chapter focuses on trends in the numbers of children looked after by local authorities, the stability of their placements, where those placements are found and the contribution of adoption.

Programmes

1.3 The Government made available to local authorities a £113 million Choice Protects grant over three years, to improve access to good quality foster placements. The grant comprised £20 million in 2003-04, £33 million in 2004-05 and £60 million in 2005-06. This money has been allocated to local authorities to expand and strengthen their overall fostering services and to improve the quality and choice of placements for looked after children.

1.4 The National Minimum Standards for fostering require that all foster carers receive an allowance to cover the full cost of caring for the child placed with them. This is distinct from the 'fee' which many foster carers receive in recognition of their time or skills. Ministers included in the Children Act 2004 the power to prescribe the minimum level of the allowance, in order to ensure that all foster carers – regardless of where they live – have a basic entitlement. National minimum allowance rates were published in July 2006, and Ministers will in due course decide whether to use the power in the light of local authorities' progress towards meeting the minimum. The impact of the national minimum allowance will be monitored closely by CSCI as part of its inspections of fostering services.

RECENT TRENDS IN THE NUMBERS OF CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES

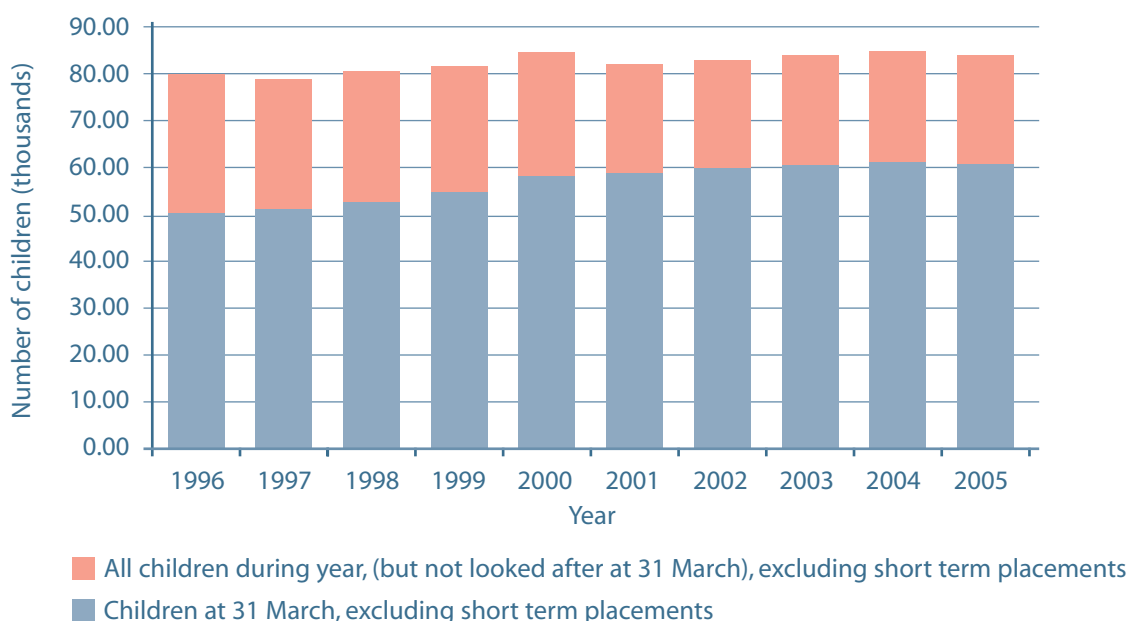
Statistical update

1.5 All the figures presented here exclude children accommodated for an agreed series of short-term placements.

1.6 The estimated number of children looked after at 31 March 2005 was 60,900. This number has stayed fairly constant over the last three years. The numbers entering care in a year have decreased by around 24% from 1995-1996 but have been stable in recent years: around 25,000 children have entered care in each of the last three years although numbers entering care over the age of 16 have increased since 2002-2003. Numbers leaving care have increased by about 5% since 2002-2003 and there has also been a slight increase in the average length of time children remain looked after, which is partly explained by the impact of the Children (Leaving Care) Act 2000.

1.7 The total number of children who were looked after at any time during the year 2004-2005 was 84,600, very similar to the previous year and slightly higher than 2002-2003 (83,200). This has remained fairly constant for the last few years, as Figure 1.1 shows.

Figure 1.1 Number of children looked after at 31 March and during the year, 1996 to 2005



1.8 Of all children looked after at 31 March 2005, 68% were placed with foster carers and 5% were placed for adoption. These figures are equivalent to 76% and 6% respectively, when expressed as a percentage of all children excluding those placed with their parents. These percentages have remained fairly constant for the last five years. The use of foster placements varies between local councils but 80% of councils had at least 70% of looked after children in foster placements (again excluding those placed with their parents).

1.9 The proportion of children aged under ten years who were in foster placements, excluding those placed with parents, was 84%. A further 14% were placed for adoption. This means that under 2% of looked after children aged under ten are in non-family placements. Most councils were close to the national average. About 90% achieved a family placement level of 95% or greater.

Placements via agencies

1.10 Many councils have reported that they are increasingly dependent on independent agencies for foster care placements. The statistics distinguish between placements provided by the council itself and placements arranged through an agency, both within and outside of the local authority area. Between 2001, when these figures were first available, and 2005 the proportion of placements arranged through an agency compared with other foster placements has risen from 10% to 19%.

Recent research findings

1.11 *Fostering Now: Messages from Research*¹ is an overview of recent research on foster care. It draws on findings from sixteen authoritative studies of fostering that have been published or completed since 1998. It considers key issues including the outcomes of foster care for children; the best ways of recruiting, retaining and supporting foster carers; the determinants of successful placements; and whether foster care can provide a permanent alternative to care at home. Key messages include:

- The importance of an integrated approach to fostering policy: the studies underline the need for policy on foster care to be developed in the context of policy for family support and adoption.
- The need to listen to children: the studies suggest that more could be done to take children's views into account in decision making. Children in foster care want the same opportunities as other children and they want adults to take their views seriously.
- The value of support for foster carers: the studies help to identify the principles that underlie effective support for foster carers.

1.12 In addition to the full report, there are six leaflets available aimed variously at elected members, foster children and their families, related foster carers, unrelated foster carers, and professionals such as social workers. The leaflets aim to bring key messages from the research to each group and act as an introduction to the studies. There is also an accompanying video CD (*Fostering voices*) which gives voice to the principal stakeholders in fostering: foster children, their families and foster carers.

¹ *Fostering Now: Messages from Research*. (2005) Jessica Kingsley Publications. (www.jkp.com). The accompanying materials are available on the Department for Education and Skills website: www.dfes.gov.uk/choiceprotects

THE STABILITY OF CHILDREN WITHIN THE CARE OF COUNCILS

Frequency of placement change

Statistical update

1.13 A National Priorities Guidance target was set in 1999 to reduce to no more than 16% in all authorities, by 2001, the number of children who have three or more moves in one year. Progress towards this target was measured using the Performance Assessment Framework (PAF) indicator A1.

1.14 The proportion of all children nationally who had three or more placements in the year ending 31 March 2005 was 13% (down from 16% in 2001). The figures for individual councils vary widely. As Figure 1.2 shows, there has been a marked increase in the percentage of councils achieving 16% or less.

Figure 1.2 Percentage of authorities with 16% of children or less receiving 3 or more placements during the year

Year ending	% of authorities
2000	40.1
2001	46.6
2002	58.5
2003	67.3
2004	82.7
2005	90.7

Figures for 2003 have been revised from the previous report following amendments received from councils.

Time spent in a single placement

1.15 The Department set itself a new PSA in 2004 to improve the placement stability of children who spend more than two and a half years in care:

Narrow the gap in educational achievement between looked after children and that of their peers, and improve their educational support and the stability of their lives so that by 2008, 80% of children under 16 who have been looked after for 2.5 or more years will have been living in the same placement for at least 2 years, or are placed for adoption.

1.16 Performance at local level varies widely, and England results for 31 March 2003 to 2005 are 64%, 65%, 65%. Targeted work is underway in local authorities to improve performance against this measure.

THE CONTRIBUTION OF ADOPTION

1.17 The Adoption and Children Act 2002 (the '2002 Act') received Royal Assent in November 2002. The 2002 Act overhauled the Adoption Act 1976 and modernised the whole existing legal framework for domestic and inter country adoption. The 2002 Act's framework also provided for supporting secondary adoption legislation and included provisions to implement key provisions in advance of full implementation. The 2002 Act also amended the Children Act 1989 (the '1989 Act').

Public Consultation

1.18 Extensive public consultation formed a key part of the development of secondary legislation. Seven consultation packages on draft regulations and draft guidance were published between 2003 and 2005. Written responses to these documents together with information gathered at 14 regional consultation workshops and 15 focus groups and numerous other meetings informed the finalisation regulations and their associated guidance.

1.19 Following the early implementation of several key provisions of the 2002 Act in 2003², the following provisions were implemented when secondary legislation came into force during 2004 and 2005:

² Safeguards for intercountry adoptions and the first phase of adoption support services.

- April 2004: the independent review mechanism (IRM). The IRM provides for a review by an independent panel of an adoption agency determination that a prospective adopter is not suitable to adopt a child.
- April 2004: advocacy services for children and young people. This widened the application of and the procedure for making representations under the 1989 Act and imposed a duty on local authorities to make arrangements for the provision of advocacy services to children or young people making or intending to make representations.
- September 2004: Independent Reviewing Officers became responsible for overseeing statutory reviews of all looked after children.
- January 2005: the definition of 'harm' in the 1989 Act was amended to make clear that harm includes any impairment of the child's health or development as a result of witnessing the ill treatment of another person.

Funding

1.20 An extra £70 million of ring-fenced funding was provided for local authorities to support the new adoption support framework over three years. It comprised £12 million in 2003-04; £23 million in 2004-05; and £35 million in 2005-06. This funding was provided to help finance support services for those affected by adoption and special guardianship.

Training

1.21 During October and November 2005 English adoption agencies received support for implementation of the 2002 Act through a comprehensive training programme that comprised:

- 75 two-day, multi-agency workshops for agency managers and staff. These events helped train local trainers so that they could pass on their knowledge of the new adoption legislation and guidance to other staff in their agencies.

- training media:
 - an e-learning package
 - a training workbook
 - CD ROM version of learner workbook
 - a training pack
 - statutory adoption guidance.

Full implementation of the 2002 Act

1.22 On 30 December 2005 the 2002 Act was fully implemented when the remaining secondary legislation came into force. This comprised 16 sets of regulations which included regulations to:

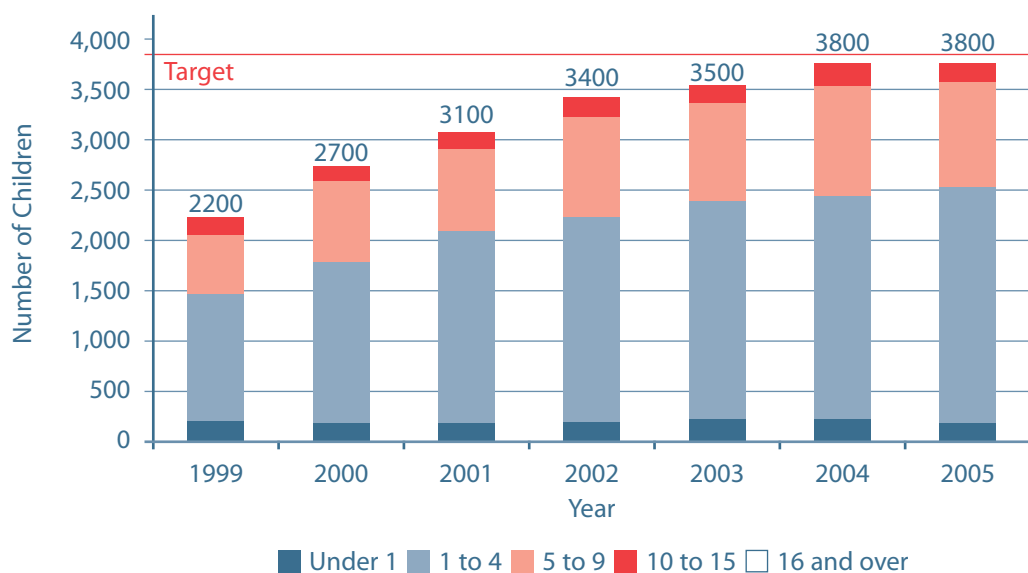
- place duties on adoption agencies for arranging adoptions under the 2002 Act, including inter-country adoptions.
- specify who may prepare adoption reports.
- extend the adoption support framework established in 2003, for example, increasing the range of people entitled to a local authority adoption support assessment.
- provide for the registration and operation of adoption support agencies.
- provide for the disclosure of identifying information and the facilitation of post-adoption contact for adults.
- set out the process for assessing special guardianship support needs and listing the special guardianship support services that local authorities have a duty to maintain.

Statistical update

1.23 The total number of looked after children adopted has risen from 2,200 in 1998-99 to 3,800 in 2004-05, which as a proportion of all adoptions represents a rise from 51% to 74%.

1.24 Figure 1.3 shows progress towards the target to increase the number of looked after children who are adopted.

Figure 1.3: Looked after children adopted during the years ending 31 March 1999 to 2005



1.25 Figure 1.4 shows the average length of time of each stage of the adoption process for looked after children adopted during the year ending 31 March 2003. They are presented here broken down between the key stages in the process.

Figure 1.4 Looked after children adopted during the year ending 31 March 2005:

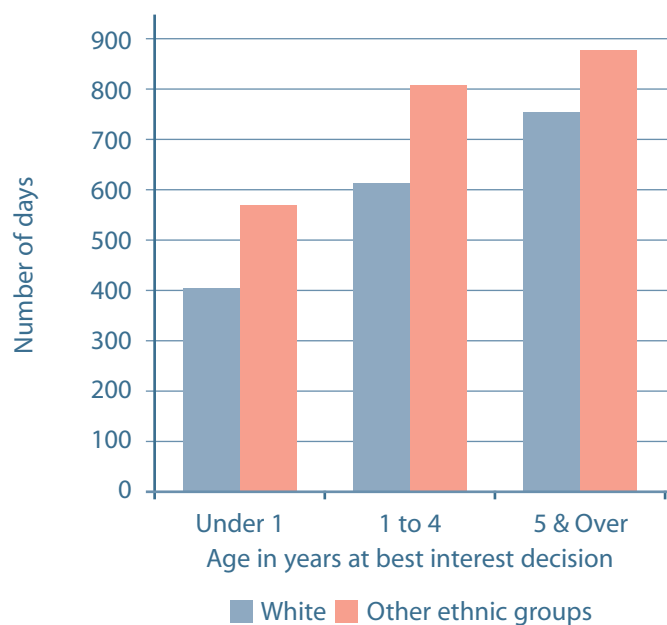
Average time in years and months between the different stages of the adoption process by age at start of period of care

England		years:months			
Age at start of period of care	Average time between entry into care and date of best interest decision	Average time between date of best interest decision and matching of child and adopters	Average time between date of matching and date placed for adoption	Average time between date placed for adoption and the date child adopted	Total average time between entry into care and adoption
All ages	1:0	0:7	0:1	0:11	2:7
Under 1	0:9	0:5	0:1	0:10	2:1
1	1:3	0:8	0:1	1:0	3:0
2	1:3	0:8	0:1	1:1	3:1
3	1:2	0:11	0:1	1:1	3:3
4	1:4	0:11	0:1	1:2	3:5
5	1:5	0:9	0:2	1:3	3:6
6	1:11	0:9	0:2	1:2	4:1
7 and over	1:9	0:8	0:2	1:3	3:10

1.26 Information is available about the ethnicity of children adopted from care but because numbers are small it has been necessary simply to compare white children with all other ethnic identities. 17% of looked after children who were adopted in 2005 were from ethnic groups other than white, an increase from 13% in 2003. This compares with about 21% of all children looked after.

1.27 The following figure 1.5 shows that the process from best interest decision to adoption takes longer for older children and for each age group it takes longer for ethnic minority children than for white children.

Figure 1.5: Average time between best interest decision and adoption, for adoptions of looked after children during the year ending 31 March 2005



1.28 Children looked after statistics show that of the 7,500 looked after children adopted in the two year period, 2003-04 and 2004-05, 14% were adopted by their previous foster carers. For white children, the proportion is 13.5%. For children from other ethnic groups the proportion is 16.9%.

CHAPTER 2

PROTECTION FROM HARM

Objective: To ensure that children are protected from emotional, physical, sexual abuse and neglect (significant harm).

INTRODUCTION

2.1 The Victoria Climbié Inquiry report³ by Lord Laming published in January 2003 and the Joint Chief Inspectors' Report on Safeguarding Children: *Keeping Children Safe*, published in October 2002, were key drivers behind many of the changes that have taken place in children's services. The Government response to these findings included the Green Paper *Every Child Matters*⁴ and the provisions in the Children Act 2004. Three of the most important provisions in this context are: the creation of children's trusts under the duty to co-operate, the setting up of Local Safeguarding Children Boards (LSCBs), and the Children Act 2004 section 11 duty on all agencies to make arrangements to safeguard and promote the welfare of children.

2.2 In July 2005 the Chief Inspectors published their second report *Safeguarding Children: the second joint Chief Inspectors' Report on Arrangements to Safeguard Children*⁵. This report showed that since 2002 the priority given to safeguarding children across agencies has increased and children are now better listened to and consulted with. Agencies are also working better together to identify and act on welfare concerns.

Basic information on children on child protection registers

2.3 The only information available about the trends in the extent to which children suffer harm are the annual statistics of the numbers of children whose names are placed on child protection registers. The figures reflect decisions made and are not a direct measure of actual harm. However, more information about the social care processes that support child protection is now available. This includes information on referrals of children in need that is reported in chapter 3 and information about assessments discussed in chapter 7. It is now possible to report on child protection enquiries in the context of the total demands for children's services faced by Councils with Social Services Responsibilities (CSSRs).

³ Victoria Climbié Inquiry: *Report of an inquiry by Lord Laming* (Department of Health and Home Office). January 2003, Command Paper 5730

⁴ Department for Education and Skills: *Every Child Matters*, London 2003
<http://www.dfes.gov.uk/everychildmatters/downloads.cfm>

⁵ The report is available online at: <http://www.safeguardingchildren.org.uk/>

Publications

2.4 The Government has revised the core inter-agency child protection guidance: *Working Together to Safeguard Children* which sets out the role and responsibilities of different agencies and practitioners and how these agencies and professionals should work together to promote children's welfare and protect them from abuse and neglect. *Working Together to Safeguard Children*⁶ was published on 1 April 2006. The LSCB guidance forms chapter 3 of *Working Together* and was published in December 2005, ahead of the full document.

2.5 Section 11 of the Children Act 2004 places a duty on key agencies (including prisons, the police, and health bodies) to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Statutory guidance on section 11⁷ was issued in August 2005.

2.6 The practice guidance "*What to do if you're worried a child is being abused*"⁸ issued in 2003 continues to be hugely popular with practitioners, as it communicates directly with people working with children and families, and explains their role in the safeguarding process. It was developed to assist practitioners in safeguarding and promoting the welfare of children. Over one and half million copies of the document and its summary have been issued since its publication in May 2003.

2.7 Training materials called *Safeguarding Children – a shared responsibility* were produced by a consortium led by NSPCC to support the "*What To Do If You're Worried A Child Is Being Abused*" booklet. These are being updated to reflect the guidance in *Working Together* (2006).

2.8 *Making Safeguarding Everyone's Business*⁹ the Government's response to the Chief Inspectors' second joint report was published in March 2006.

⁶ This report is available online at: <http://www.everychildmatters.gov.uk/workingtogether/>

⁷ Available at <http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

⁸ The guidance can be found at: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/?asset=document&id=17378>

⁹ The response can be found at: <http://www.everychildmatters.gov.uk/resources-and-practice/IG00045/>

Statistical update

2.9 There has been a marked decrease in the number of children whose names are on child protection registers. Between 31 March 1999 and 31 March 2005 the number of children on child protection registers fell from 31,900 to 25,900.

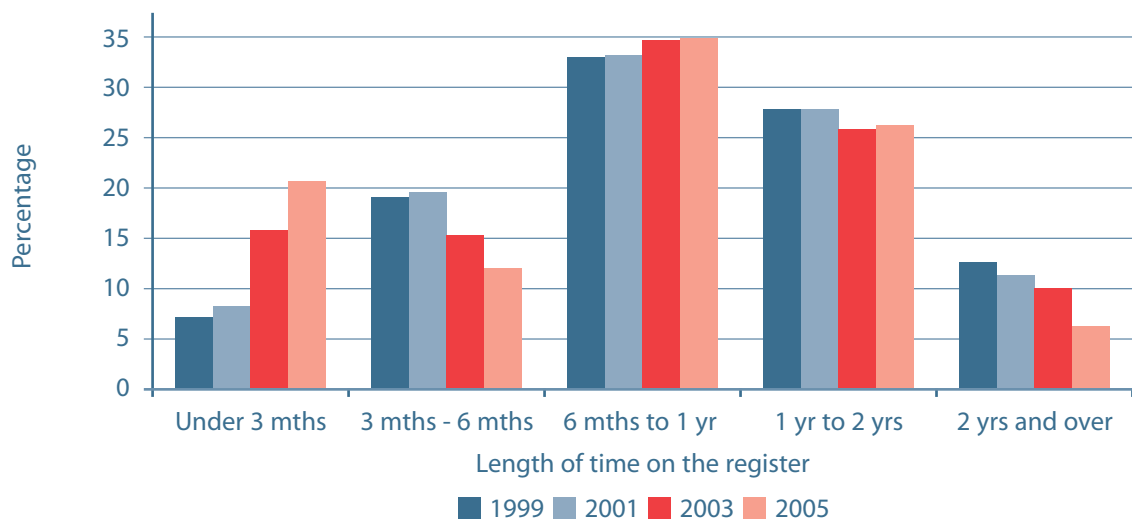
Re-registration rates – children placed on child protection registers more than once

2.10 The proportion of all registrations that were re-registrations has fallen dramatically from 20% during the year ending 31 March 1998 to 13% by 2004-05, which is in part a direct result of more accurate reporting.

Duration of period spent by children and young people on child protection registers

2.11 Another significant issue is the time children's names remain on registers. The chart below compares seven years from 1998-99 to 2004-05 and shows a significant decline in the numbers of children remaining on the register for over two years.

Figure 2.1 De-registrations from child protection register: Duration on registers during the years ending 31 March 1999 to 2005

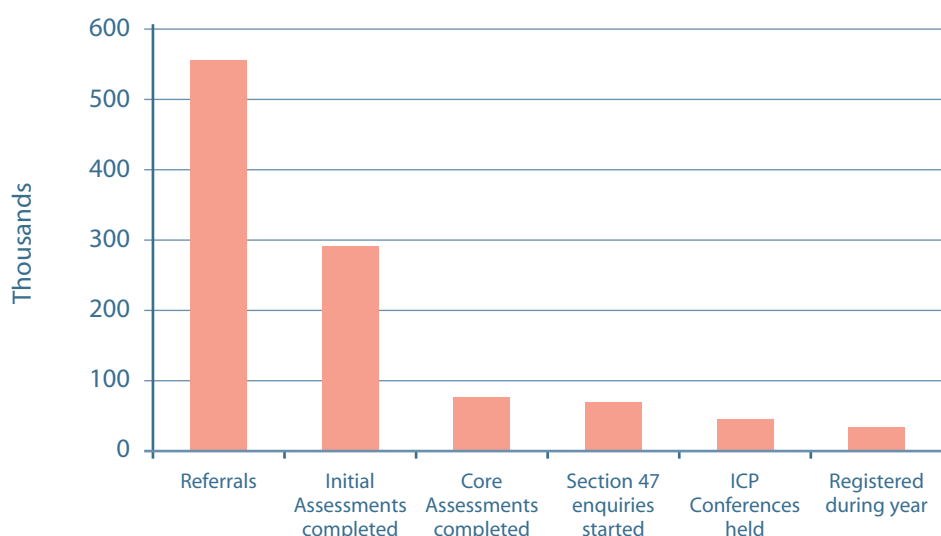


Child protection (section 47) enquiries and initial child protection conferences

2.12 Councils with Social Services Responsibilities (CSSRs) are required to conduct enquiries, in accordance with section 47 of the Children Act 1989, when they receive information that a child is suffering, or is likely to suffer, significant harm. During the year ending 31 March 2005 councils conducted 68,500 such enquiries. These led to 37,400 initial child protection conferences, in which several agencies meet to discuss the child's safety, health and development, to decide whether the child is at continuing risk of significant harm and, if so, to agree a child protection plan to protect the child from harm.

2.13 CSSRs regard child protection work as being of high priority. But section 47 enquiries are just a small part of the demands upon them, as illustrated in figure 2.2.

Figure 2.2: Estimated activity levels in different stages of the referral and assessment procedure, year ending 31 March 2005, England



Recent research findings

2.14 *The Oxfordshire Home Visiting Study*¹⁰ aimed to evaluate the cost and effectiveness of home-visiting programmes, which have been seen as a useful method of improving parenting and preventing child maltreatment. The study provided evidence that a partnership-based home-visiting programme (beginning during the second trimester of pregnancy and continuing through the first postnatal year) can improve maternal sensitivity and infant co-cooperativeness, and reduce the risk of loss, postnatally, of social support. There was also tentative evidence that home visiting had better enabled health visitors to identify infants in need of removal from the home during the first year of life. However, a follow-up study should provide clearer estimates of the impact of the programme.

2.15 In the meantime, it is possible to conclude that a 'working in partnership' approach can impact on the way health visitors practice. Also, changes occurring as a result of the training are valued by both home visitors and parents. The economic data showed that while the intervention was more costly than the standard service, there were a number of areas in which it was likely to be cost-effective compared with standard services. For instance, there was a reduction in the length of exposure to abuse, and increased maternal sensitivity and infant cooperativeness.

¹⁰ A paper describing the development and evaluation of the new service was published in Child Abuse Review. For further information contact Dr.Jane Barlow at University of Warwick at: jane.barlow@warwick.ac.uk

CHAPTER 3

LIFE CHANCES OF CHILDREN IN NEED

Objective: To ensure that children in need gain maximum life chance benefits from educational opportunities, health care and social care.

INTRODUCTION

3.1 Part 3 of the Children Act 1989 defines “children in need” as children who are unlikely to achieve or maintain a reasonable standard of health and development, if they are disabled or if their health or development is likely to be significantly impaired, without the provision of services by a local authority (Section 17 (10)). Children who may be in need of services must be assessed in accordance with the *Framework for Assessment of Children in Need and Their Families* (2000), and any support provided should be based on this assessment.

3.2 The data used in this chapter have been derived from the Children in Need Census, a periodic collection of data on the reasons why children need social services, the volume and type of activity provided, and the associated costs. The 2005 Census identified 385,900 children in need (including Looked After Children) who are in receipt of services, which is comparable to the previous Census figure of 388,200.

Statistical update

3.3 In the year ending 31 March 2005 Councils with Social Services Responsibilities (CSSRs) across England received a total of 552,000 referrals or requests for services to be provided. This is in addition to children already in receipt of services. These figures exclude initial contacts dealt with by providing information or advice. A total of 22 per cent of referrals were for children who had previously been referred to the same authority within the previous twelve months.

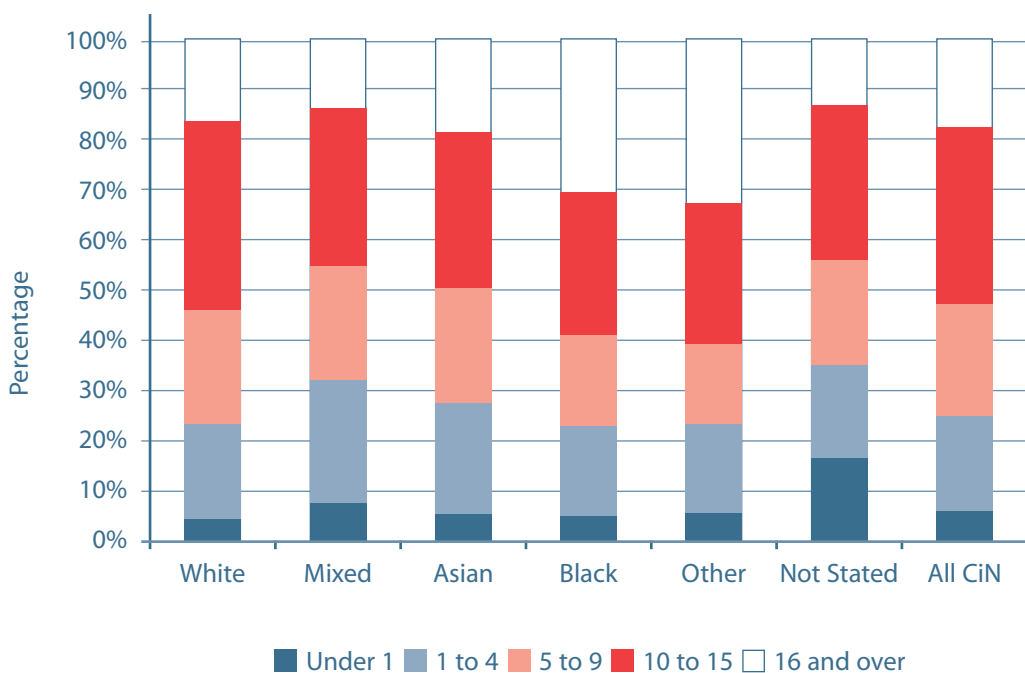
Ethnicity of children in need

3.4 The same ethnic categories (those used in the 2001 National Population Census) has been used in the four Children in Need (CiN) censuses. The distribution of children in need by ethnicity was similar in each. As before, Local Authorities have been able to classify, in terms of ethnicity, approximately 90% of their children in need. The 2005 CiN census recorded that around 20% of children in need were known to be of ethnic identity other than white.

3.5 Comparing the ethnic distribution of the children in need population with data from the 2001 National Population Census on the ethnic distribution of children aged under 18 illustrates that children of black or mixed ethnic identity are over-represented within the children in need population. By contrast, children of Asian ethnic identities are under-represented.

3.6 In addition, the Census also identified the ethnic distribution served during the survey week, broken down by age (see figure 3.1). The percentage of children with ethnic identities of 'other' or 'not stated' are over-represented in the under one age group – 6% and 17% respectively, compared to 6% of all children in need. Within each ethnic category, the highest proportion of children receiving services aged 18+ is found within the black ethnic category – 12% of children within this ethnic category are aged 18+ compared to 5% overall.

Figure 3.1 Ethnic distribution of children served during the survey week in February 2005, broken down by age



Integrated Children's System

3.7 A significant response to improving service delivery and outcomes for children in need and looked after children is the development by Government and local authorities of the Integrated Children's System (ICS). The ICS provides local authorities with a conceptual framework, practice discipline, and a business process to support children's social care practitioners and managers in undertaking the key tasks of assessment, planning, intervention and review. Because the work with children in need requires skilled use of detailed and complex information, ICS is designed to be supported by an electronic case record system. A key aim of ICS is to provide front line staff and their managers with the necessary help, through ICT, to record, collate, analyse and organise the information into the outputs required e.g. on screen, paper reports such as chronologies, reports on performance indicators.

3.8 The ICS was under development during the period covered by this review, and is planned to be on stream by 2007. Findings from inspections, research and inquiries have consistently demonstrated the need for a systematic framework of this type. The effective use of information to record the facts and events of children's lives, for assessing their needs, and monitoring their developmental progress, is fundamental to good, safe practice and better outcomes.

3.9 When completed, the ICS will help all practitioners and managers responsible for children in need to work in accordance with good practice from case referral to closure. This will include the completion of assessments with the necessary detail and within the required timescales, and personalised, outcome-focussed plans for children.

Recent research findings

3.10 *The book Safeguarding and Promoting the Well Being of Children, Families and their Communities*¹¹, edited by Jane Scott and Harriet Ward, University of Loughborough, is concerned with improving outcomes for children in need. Considerable effort has been spent on identifying need and monitoring outcomes. However, less is known about which

¹¹ *Safeguarding and Promoting the Well Being of Children, Families and their Communities* can be obtained from Jessica Kingsley Publications (www.jkp.com).

interventions are effective in promoting and safeguarding well being. This book uses examples from the UK, USA, Canada and Australia to explore both the evidence of need and the effectiveness of interventions in improving well being and therefore child welfare outcomes.

3.11 The book is in five parts. Part One explores the evidence of need, its effect on well being and the impact of national policy initiatives aimed at addressing poverty and improving outcomes. Parts Two, Three and Four explore specific interventions aimed at improving the health and well being of children, families and communities. The concluding chapters (Part Five) consider how the outcomes of such interventions can be monitored. The chapters have been written by policy makers, researchers and senior managers in child welfare agencies, all of whom have been directly involved in constructing, evaluating or implementing the programmes they discuss.

CHAPTER 4

LIFE CHANCES OF CHILDREN LOOKED AFTER

Objective: To ensure that children looked after gain maximum life chance benefits from educational opportunities, health care and social care.

INTRODUCTION

4.1 The Government will soon be consulting on wide ranging proposals for transforming outcomes for looked after children. This chapter focuses on progress and achievements prior to publication of these proposals.

Narrowing the gap in educational achievement

4.2 Educational attainment is an important indicator of children's overall life chances. Looked after children generally do significantly less well than other children at every key stage in school. The Government has taken various steps to seek to tackle this disparity:

- The Every Child Matters programme of reform has brought a renewed focus on improved multi-agency support and improved accountability, which will have an impact on the way that services are coordinated for looked after children
- The Social Exclusion Unit report *A better education for children in care* was published in 2003, and set out specific recommendations for national and local action
- Section 52 of the Children Act 2004 introduced a specific duty for local authorities to promote the educational achievement of the children they look after. This means that local authorities must take account of the educational implications of any decisions they make about the welfare of the children they look after. The accompanying statutory guidance spells out the specific measures that local authorities need to have in place to deliver this duty. Guidance has also been issued to school governing bodies
- The inspection frameworks for local authorities and schools both now include specific reference to the achievement of looked after children and the effectiveness of provision. Through the new relationship with schools work, School Improvement Partners explore with head teachers how effective their school is in meeting the needs of the looked after children on its roll.
- Regulations came into force in February 2006 which give top priority for school admissions to looked after children. These regulations apply for the normal school admissions round.

Figure 4.1 Educational attainment of Children Looked After for at least 12 months to 30 September

England	percentages					
	looked after children			all children		
	2003	2004	2005	2003	2004	2005
Year 6 – Key Stage 2						
Number who attained at least Level 4 in the following:						
English	37.1	39.9	42.1	75	77	79
Mathematics	34.8	37.2	37.6	73	74	75
Science	52.9	53.0	53.4	87	86	86
Year 11 – GCSE						
Number who sat at least one GCSE or GNVQ	56.8	59.1	64.0	96	97	98
Number who obtained at least						
1 GCSE at grade A* to G or a GNVQ	52.9	56.1	60.2	95	96	96
5 GCSEs (or equivalent) at grade A* to G	36.8	39.4	40.7	89	89	89
5 GCSEs (or equivalent) at grade A* to C	8.7	9.4	10.8	53	54	56

4.3 The PSA target for the educational attainment of children looked after, set by the Spending Review 2002 for the period 2003-6 and subsequently revised by the Social Exclusion Unit, focuses on three elements - engagement in education as well as attainment at key stage 4 and attainment at key stage 2¹². The Department's PSA target from the Spending Review 2004 includes each of these measures as underpinning performance indicators. Figure 4.1 shows the trends over the last 3 years for children who have been looked after for a year or more, compared with all pupils, against each of these measures. There has been some improvement against all of these measures, although the targets set are unlikely to be met.

¹² Department for Education & Skills Departmental Report 2004, Stationery Office, London April 2004
<http://www.dfes.gov.uk/deptreport2004/>

4.4 Other key findings for the year ending 30 September 2005 were:

- Of the 44,700 children who had been looked after continuously for at least 12 months, 34,800 were of school age. Of these, 27.3% had statements of special educational needs (SEN) (compared with 2.9% nationally)
- 12.6% missed at least 25 days school for whatever reason (there is no comparative figure for all children)
- 0.9% received a permanent exclusion (compared to 0.1% nationally)
- In school year 11, 60% obtained at least one GCSE or GNVQ (compared with 96% of all children)
- On average, 58% of those looked after children in the appropriate age group achieved level 2 at Key Stage 1, 44% level 4 at Key Stage 2, and 27% level 5 at Key Stage 3 (compared with 86%, 80% and 73% respectively for all children).

Health outcomes

4.5 The government measures the extent to which the physical health of looked after children is being monitored, by looking at whether dental and health assessments are up to date. These are combined into a single indicator for the Performance Assessment Framework (PAF). The latest data show that for children who had been looked after continuously for at least 12 months at 30 September 2005, 81% had an annual health assessment and had their teeth checked by a dentist during that period. This compares with 75% in 2003.

4.6 Progress has been made in providing appropriate, accessible child and adolescent mental health services (CAMHS) for looked after children and their carers, as part of national developments for comprehensive CAMHS (set out in the National service Framework for Children, Young People and Maternity Services 2004). The National CAMHS mapping exercise shows that CAMHS dedicated resources for LAC and their carers have increased by

19% (62-74) from November 2004 to November 2005. There has also been an increase of 15% in looked after children seen from 2004 to 2005. CAMHS teams have a crucial role in providing training and support to foster carers, residential workers and other professionals working with LAC as well as provision of therapeutic input for children and young people. The team of 11 CAMHS Regional Development Workers have worked with Young Minds and Regional Partnerships to develop national and regional networks for staff working with looked after children and their carers to promote their mental health¹³.

4.7 For the first time in 2005, national data was collected on the incidence of teenage motherhood amongst looked after children. In that year, 4.1% of looked after girls aged 15-17 were mothers, compared with 1.3% of the general population. In areas where teenage pregnancy rates were decreasing, social services had a strong focus on sexual health issues - including in one area, mandatory SRE training for all social work managers, family support workers, foster carers and relevant social workers. In another, Social Services delivered Sex Relationship Education programmes for young people in care and the Looked After Children nurse ran a sexual health clinic for looked after children.

4.8 Promoting the health of looked after children is a multi-agency responsibility. As part of their developing children's trust approaches, many authorities are forming Healthy Care partnerships - multi-agency partnerships whose aim is to improve the support for looked after children's health and wellbeing.

4.9 The Department for Education and Skills has provided pump-priming grants to enable local authorities to develop Multidimensional Treatment Foster care programmes for looked after young people with complex needs including self harm, offending and challenging behaviour. Those children who have entered the programme have, thus far, achieved positive outcomes, in terms of improved life chances and placement stability.

¹³ Details available at www.youngminds.org.uk

Offending outcomes

4.10 There was a PSA target to reduce, by 2004, the percentage of looked after children with a final warning/conviction to 7.2% by 2004. This target was not met, although some progress was made. Of the 30,400 children looked after aged 10 or over, 2,800 had received final warnings or had been convicted during the year ending 30 September 2005. That is 9.3% of looked after children falling within this age group. This compares with nearly 11% for the year ending 30 September 2000. In the general population, 3.7% of all children in this age group offend during the course of a year. This means that looked after children are 3 times more likely to have received a final warning or conviction in the year to September 2005, when compared with their peers.

4.11 As at 31 March 2005 there were 110 looked after children in young offender institutions or prisons and 280 in secure units. In 2004-05 150 former care leavers aged 19 (3% of the age cohort) were in custody.

CHAPTER 5

LIFE CHANCES OF CARE LEAVERS

Objective: To ensure that young people leaving care, as they enter adulthood are not isolated and participate socially and economically as citizens.

INTRODUCTION

5.1 The Government has made a commitment to improving the life chances of care leavers in recent years through the Quality Protects programme and the implementation of the Children (Leaving Care) Act 2000.

Statistical update

5.2 One of the concerns about children leaving care is that they do so prematurely. Previous Children Act Reports found that children looked after aged 15 or older were staying looked after for longer. Figure 5.1 below indicates this trend is continuing.

Figure 5.1 Children who ceased to be looked after aged 16 and over during the years ending 31 March 2001 to 2005 by age on ceasing

	numbers					percentages				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
All Children	6,700	6,600	6,700	6,800	7,500	100	100	100	100	100
Age on ceasing										
16	2,400	2,200	2,100	2,000	2,100	36	33	31	30	28
17	1,200	1,300	1,300	1,200	1,400	18	19	19	18	18
18th birthday	3,000	3,200	3,300	3,500	4,000	46	48	49	51	53
Older than 18th birthday	70	30	80	50	40	1	0	1	1	1

EDUCATION, TRAINING AND EMPLOYMENT OUTCOMES FOR CARE LEAVERS

Statistical update

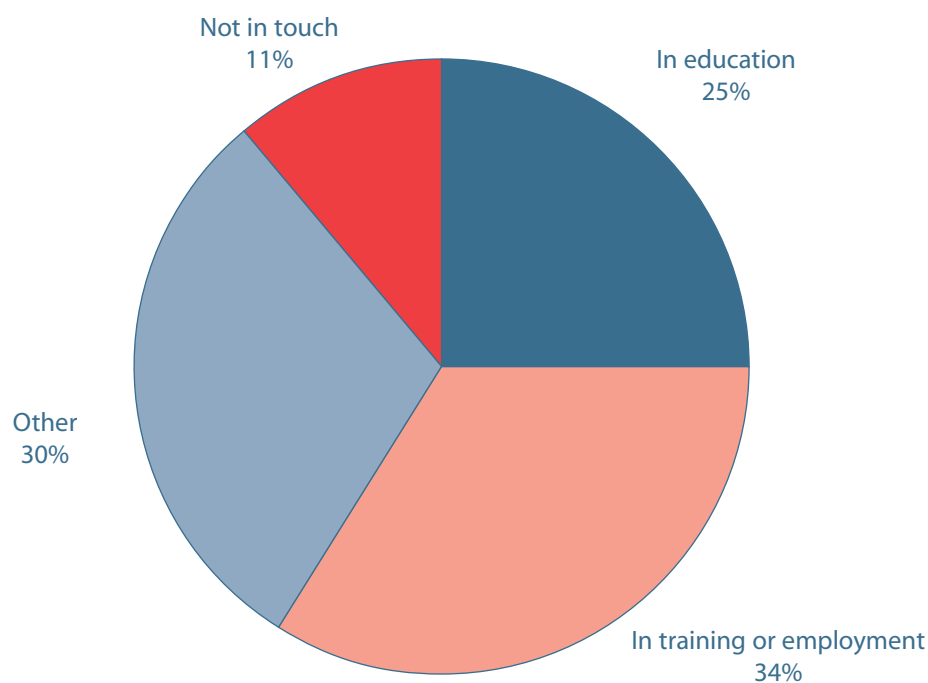
5.3 Details on 19 year old former looked after children who were looked after on 1 April in their 17th year have been collected since 1 April 2001. The information collected relates to their accommodation and activity on their 19th birthday and helps measure the impact of the drive to enhance the support into adulthood of young people in care and leaving care.

5.4 Research shows that care leavers experience high levels of unemployment and are at risk of social exclusion. Based on that research the Government set a Public Service Agreement target in the 2002 Spending Review to improve the level of education, training and employment outcomes for care leavers aged 19, so that levels for this group are at least 75% of those achieved by all young people in the same area by 2004. This target was not met: in 2004, 55% of young people aged 19 who were looked after aged 16 were engaged in education, training and employment. This level of performance meant that care leavers engagement was only 65% of the level for all young people. In 2005, education, training and employment rates for care leavers was 70% of the rate for all young people, which was an improvement, but still below the target.

5.5 For the year ending 31 March 2005, 41% of councils reported that the rate of participation in education, employment and training amongst young people aged 19 who were formerly looked after was at least 75% of that achieved by all young people in the same area. This has risen from 17% of councils in 2002-03, and 30% in 2003-04.

5.6 In 2002-03 councils were in touch with 4,600 (89%) of the 5,200 19 year old young people looked after on 1 April 2002. Figure 5.2 shows the percentage of former care leavers by activity. 59% of the former care leavers were in education, training or employment. This compares to 87% of all young people aged 19 in the population as a whole.

Figure 5.2 Percentage of care leavers at age 19, by activity, year ending 31 March 2005



Accommodation

5.7 Independent living, the largest category of placement for former care leavers, accounted for 42% of the cohort. Supported accommodation, which accounted for 17%, was the second highest category.

Recent research findings

5.8. The Social Work Research and Development Unit, which conducted a study¹⁴ of over 100 young people leaving care after the implementation of the Children (Leaving Care) Act 2000, found that the requirements of the Act were broadly welcomed by young people and their leaving care workers. The changes were viewed as bringing about more streamlined referral and assessment procedures, a more immediate response to needs and more extensive support. The new financial arrangements, including incentive schemes, were

generally seen as working well. The researchers explored outcomes by interviewing young people two or three months after leaving care and again nine or ten months later. They found that educational attainment was quite poor (over half left school with no qualifications at all). Although participation in post-16 education was rising, there was a high drop out rate. Housing emerged as a critical area for leaving care services and one in which positive post-care intervention can make a significant difference. Health remained an area of weakness in overall leaving care strategies but some developments were taking place, such as collaboration with health professionals and recruitment of mental health clinicians. Access to mental health services was a universal concern.

¹⁴ Dixon J, Wade J, Byford S, Weatherly H & Lee J, (2004) *Young people leaving care: a study of outcomes and costs: Research Summary* is available at: <http://www.york.ac.uk/inst/swrdu/Publications/yp-leaving-care-summary.pdf>

CHAPTER 6

SERVICES FOR DISABLED CHILDREN AND THEIR FAMILIES

Objective: To ensure that children with specific social needs arising out of disability or a health condition are living in families or other appropriate settings in the community where their assessed needs are adequately met and reviewed.

INTRODUCTION

6.1 The policy innovations described in Chapter 1 of this report have also impacted on disabled children. Since the publication of the last Children Act report there has been a significant policy focus on the needs of disabled people, including disabled children and their families.

6.2 The National Service Framework for Children, Young People and Maternity Services (2004)¹⁵ includes a standard on disabled children and young people and those with complex health needs. The standard states that children and young people who are disabled or who have complex health needs receive co-ordinated, high-quality child and family-centred services which are based on assessed needs, which promote social exclusion and, where possible, which enable them and their families to live ordinary lives.

6.3 In 2005 the Prime Minister's Strategy Unit published *Improving the Life Chances of Disabled Children*¹⁶ which sets out a vision that by 2025 disabled people in Britain should have full opportunities and choices to improve their quality of life and will be inspected and included as equal members of society. It contains recommendations for action across Government departments, including action to improve support services for families with young disabled children and to improve transition to adulthood for disabled young people. Priorities are meeting their extra needs of families with disabled children and ensuring services are child and family-centred. An Office for Disability Issues has been established to oversee delivery of the recommendations and drive forward change.

¹⁵ Available at:

http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/ChildrenServices/ChildrenServicesInformation/ChildrenServicesInformationArticle/fs/en?CONTENT_ID=4089111&chk=U8Ecln

¹⁶ Available at: http://www.strategy.gov.uk/work_areas/disability/index.asp

6.4 The Department for Education and Skills is working with a range of stakeholders to develop an outcomes framework for disabled children. The aim is to develop a revised and refined version of the Every Child Matters outcomes framework which will better reflect what achievement of each outcome would look like for disabled children and what services should be doing to achieve this.

Publications

6.5 In 2004 the Council for Disabled Children (CDC) published *Direct Experience*, a guide for local authorities on the implementation of direct payments in children's services¹⁷. To further promote direct payments, the CDC and the Department produced a set of frequently asked questions to assist local authorities to implement direct payments for families with disabled children and disabled young people¹⁸.

6.7 There are around 13,300 disabled children in long-term residential placements, mainly in special schools, children's homes and hospitals. The 2005 Department for Education and Skills *Disabled Children in Residential Placements*¹⁹ provides the most comprehensive picture yet of these children, drawing on education, health and social care data. The report should be of interest to local and national policy-makers involved in children's services - particularly those involved in planning and commissioning services for children with learning difficulties and disabilities and safeguarding and promoting the welfare of children in residential settings. Further work is being undertaken to provide this data in a format that is useful for local planning.

Statistical update

6.8 The Children in Need Census for 2005 identified 34,100 disabled children, 17% of whom received short breaks. This compares to 29,700 in the 2003 CIN Census. Just under half of the disabled children, who were supported in their homes and not using short breaks, had been seen by one or more services during the Census week.

¹⁷ Information can be found at <http://www.ncb.org.uk/cdc>

¹⁸ They can be found at <http://www.everychildmatters.gov.uk/socialcare/disabledchildren/directpaymentfaqs/>

¹⁹ The report can be accessed at <http://www.everychildmatters.gov.uk/socialcare/disabledchildren/services/>

6.9 The key messages from the Census are as follows:

- 65% of disabled children in need are boys, compared with 56% of non-disabled children in need;
- disabled children tend to be a little older than the average for children in need. 84% are over 5, compared with 75% of non-disabled children;
- a higher than average proportion of Asian children in need are disabled (23%) while among Afro-Caribbean and mixed race children the proportion of disabled children is lower than average;
- only 3% of disabled children in need are on child protection registers, compared with 10% of all other children in need.

6.10 Figures from CSCI show that in 2005 there were over 2,700 families with disabled children (compared to just under 2,100 in 2004) and over 300 disabled young people aged 16-17 receiving direct payments as an alternative to local authority social care services.

Disability and ethnicity

6.11 The distinctive pattern of service usage by children of South Asian origin may be related to there being a high proportion of such children needing services by virtue of disability. An analysis of children who were looked after at 31 March 2005 show that 5% of Asian children started to be looked after due to child's disability compared to 4% for white children, the next largest group. At 31 March 2005, 38% of Asian children looked after with primary reason as child's disability were in children's homes, compared with 32% for mixed, 22% for black, 28% for white and 26% for other ethnic groups.

Autistic children

6.12 The 2005 Census contained a question identifying autistic children. Authorities were asked to identify any child known to them who had been diagnosed autistic by a qualified medical practitioner. Here, 'autism' encompasses children on the spectrum ranging from those with classical autism to milder forms of the disorder.

6.13 Children with autism who received a service form a small subgroup of the Children in Need population (see figure 6.1). While the analysis of this data on children with autism is still tentative it does however give an idea of the numbers/amounts involved. 6,700 autistic children received a service during the Census week in 2005, compared to 5,300 in 2003. The Census recorded nearly four times as many autistic boys receiving a service during the survey week than autistic girls (this finding is predictable – in line with what is known about prevalence, in terms of gender).

Figure 6.1 Autistic children receiving a service based on a sample week in February 2005, by sex

England		Numbers and Percentages		
	Children Looked After	Children Supported in Families or Independently	Total Children in Need	Gender split
	Number	Number	Number	%
Total children in need receiving services in week	65,900	168,700	234,700	-
- boys	37,100	93,800	130,900	56
- girls	28,800	74,900	103,700	44
Of which autistic children in need	2,500	4,200	6,700	-
- boys	2,000	3,200	5,200	78
- girls	530	940	1,500	22
% of autistic children in need	4	2	3	-

Figures may not add up due to rounding.

Severely disabled children

6.14 The prevalence of severe disability has risen. Many severely disabled children have a long-term health condition requiring on-going management and/or nursing care and require help with everyday activities such as bathing, feeding and toileting. There are up to 6,000 children living at home who are dependent on assistive technology. The PMSU report identified new technologies as a driver of increases in the number of disabled children, helping them survive infancy and live longer.

Recent research findings

6.15 In July 2005 the Social Policy Research Unit (SPRU) at York University published *An exploration of different models of multi-agency partnerships in key worker services for disabled children: effectiveness and costs*²⁰. The report tells us that families with disabled children who have a key worker experience improved outcomes. This applies to both designated and non-designated key worker models. Improved outcomes were experienced particularly where services were clear about the role of the key worker and induction, regular training and specific supervision for key workers is provided. The research identified 30 key worker services UK-wide (Autumn 2002), with 50 areas planning for key worker services.

CHAPTER 7

ASSESSMENT AND DECISION MAKING

Objective: To ensure that referral and assessment procedures discriminate effectively between different types and levels of need and produce timely service responses.

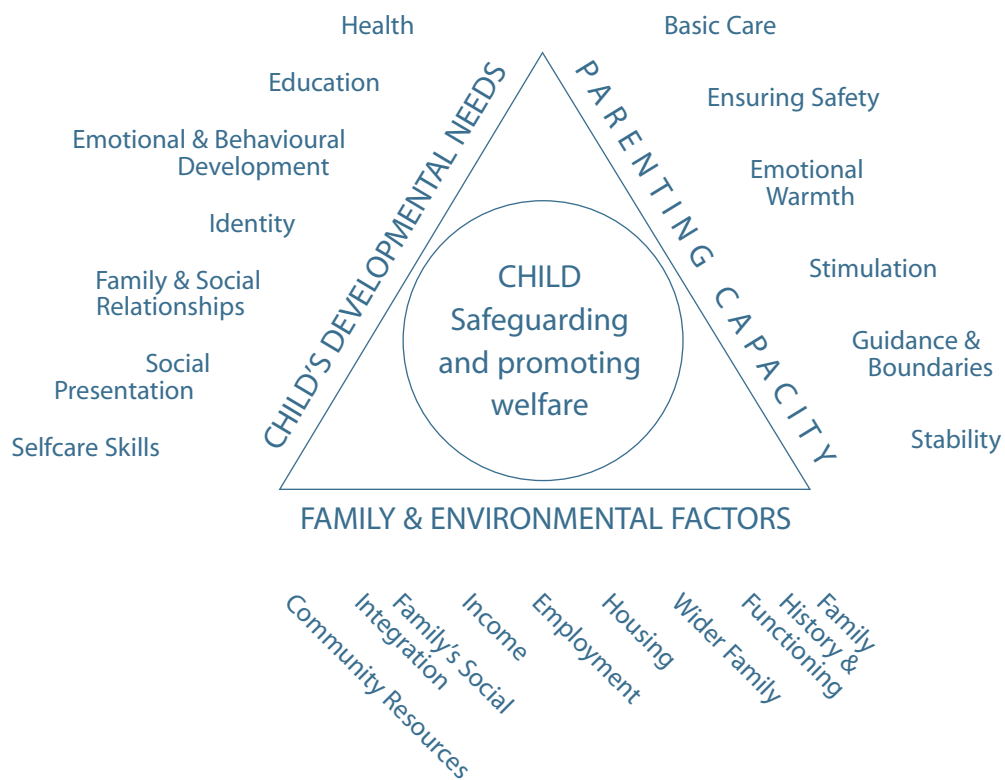
INTRODUCTION

7.1 The Children Act 1989 places a duty on every local authority:

- to safeguard and promote the welfare of children within their area who are in need; and
- so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs (Section 17 (1)).

7.2 Assessing whether a child is in need and identifying the nature of those needs requires a systematic approach which uses the same framework for gathering and analysing information about all children and their families, but discriminates effectively between different types and levels of need. The Assessment Framework can be represented in the form of a pyramid, with the child's welfare at the centre as shown in figure 7.1. The diagram emphasises that all assessment activity and subsequent planning and provision of services must focus on ensuring that the child's welfare is safeguarded and promoted.

Figure 7.1 The Assessment Framework ²¹



Numbers of assessments carried out

Statistical update

7.3 290,300 initial assessments of children’s needs were completed during the year ending 31 March 2005. Nationally, 53% of referrals received an initial assessment. Referrals that received an initial assessment ranged from 100% in some councils down to 2% in others.

²¹ Department of Health *Framework for the Assessment of Children in Need and their Families*, London, The Stationery Office, 2000, pg17

This variation does not follow any obvious pattern by region or type, which appears to reflect councils' policy stances and the extent of implementation of the *Framework for the Assessment of Children in Need and their Families*²².

7.4 Guidance requires that an initial assessment is carried out within seven working days of a referral or when new information comes to light about a current case. In the year ending 31 March 2005, 62% of initial assessments on referrals were completed within seven days of the date of referral, an increase of 5% from 2003.

7.5 Core assessments are conducted in circumstances where a child's needs must be comprehensively understood, for example, when a child may be suffering or have suffered significant harm or is to become looked after by the local authority. In the year ending 31 March 2005, 74,100 core assessments were conducted which is a rate of 67 per 10,000 children under 18 years of age, an increase from 50 per 10,000 children in 2003. Again there is marked variation between councils in the rates of core assessment. This appears to reflect different policies and practices rather than underlying levels of need.

7.6 Nationally 67% of core assessments are reported to have been completed within the required timescale.

Recent research findings

7.7 The Integrated Children's System brings together and rationalises the Assessment Framework and the Looking After Children system to provide an assessment, planning, intervention and reviewing model for all children in need under the Children Act 1989. A cross government initiative commissioned a pilot study to assess the development of a multi-agency approach to assessment, which underpins the Integrated Children's System. The study found that implementation across social services departments in both England and Wales was proving to be more complex and difficult than expected²³. This was because

²² Available at: http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4003256&chk=Fss1ka

²³ Cleaver H. et al. (2003) *A pilot study to assess the development of a multi-agency and integrated approach to the delivery of services to children and their families: Progress Report*. Royal Holloway College, University of London; Loughborough University; Open University and University of Wales, Cardiff. Contact Hedy Cleaver: hedy@cleaver.uk.com See Integrated Children's System Briefing Papers at: <http://www.everychildmatters.gov.uk/socialcare/integratedchildrenssystem/briefingpapers/>

the new system affects all areas of children's services provision, and requires changes in both practice and in the use of electronic information systems. Early findings suggest that once the IT supporting the ICS is glitch free and the system has become embedded in day to day practice, it improves plans for children and young people regardless of their circumstances, and child protection conference reports and reviews. In addition to improvements in social work practice the findings also suggest that the ICS supports initiatives to improve collaborative working between children's social care and other children's services. Although, there was a strong sense of inter-agency cooperation in each of the pilot authorities, some difficulties were encountered in sharing information about children between agencies, as has been reported in other studies²⁴.

7.8 The children's social care cost calculator²⁵ developed by the Centre for Child and Family Research, University of Loughborough is a computer application designed to allow local authorities to calculate unit costs for looked after children. It aims to help clarify the relationship between the costs and outcomes of services for vulnerable children. The cost calculator has the potential to link these to basic data on needs and outcomes. The overall aim is to develop the cost calculator to incorporate unit costs for all services that children receive within specific time frames. These will include unit costs for social care, education, health, mental health, socio-legal and youth justice processes so that eventually it will be possible to calculate the true costs to the public purse of providing services to children with extensive needs and to explore how these might be better configured to improve outcomes.

7.9 The piloting of the cost calculator suggested that some authorities may need to overcome a number of obstacles before it can be used. Unless improvements are made in the data generally held at present by authorities it will not be possible to relate costs to outcomes or to calculate the costs of providing additional support services. Based on the research that underpins the development of the cost calculator, the Department for

²⁴ Ward, H., Holmes, L., Soper, J. and Olsen, R. (2004) *The Costs and Consequences of different types of Child Care. Report to the Department of Health.* Loughborough: Centre for Child and Family Research.

²⁵ Ward, H., Holmes, L., Soper, J. (2005) *CCFR Cost Calculator for Children's Services: Report on Pilot Phase*, Report to Department for Education and Skills, Loughborough: Centre for Child and Family Research. Supporting materials are available on the Department for Education and Skills website: <http://www.everychildmatters.gov.uk/resources-and-practice/IG00022/>

Education and Skills has commissioned a resource pack to help those responsible for planning and commissioning placements or services for children living away from home.

*7.10 The Knowledge: How to get the information you need out of your computers and information systems: A practical guide for children's social services*²⁶ is a guide which shows how new computer and information systems can be commissioned to provide outputs that benefit staff at all levels who are working in children's social services. It aims to improve the quality of outcomes for children and families by helping staff to understand more about how to use the information they collect. The emphasis is on how to retrieve and use information rather than on how to record it. The guide is based on research commissioned by the Department for Education and Skills and the Welsh Assembly Government. It includes sections which specifically address the needs of different groups of professionals. The practical advice will enable staff in social services to identify their information needs, commission better systems to meet them, and improve and make explicit the ways in which they use the information provided.

²⁶ *The Knowledge: How to get the information you need out of your computers and information systems: A practical guide for children's social services*, Mike Gatehouse, June Statham and Harriet Ward, Centre for Child and Family Research, University of Loughborough and Thomas Coram Research Unit. The report can be obtained from the Institute of Education's website: http://ioewebsserver.ioe.ac.uk/ioe/cms/get.asp?cid=7816&7816_0=7910

CHAPTER 8

PARTICIPATION

Objective: To actively involve users and carers in planning services and in tailoring individual packages of care; and to ensure effective mechanisms are in place to handle complaints.

INTRODUCTION

8.1 Listening to children, young people and their families - and providing a personalised, integrated response to their needs is at the very heart of the Children Act 2004 and the *Every Child Matters: Change for Children* programme. Children and young people's active participation is essential in order to develop services that are responsive to their needs. Article 12 of the UN Convention on the Rights of the Child states that children and young people have the right to say what they think and be listened to when decisions are made that affect them.

8.2 Participation has been supported nationally and locally through legislation, policy and infrastructure development, as well as through the publication of a number of resources and the commissioning of information to track important developments. One important development is the appointment in 2005 of the first Children's Commissioner for England. The Commissioner's main function is to promote awareness of the views and interests of children and young people and to report annually to Parliament on his findings. The Commissioner must have particular regard to vulnerable groups of children – such as looked after children – who may not have adequate means by which they can make their views known.

POLICY DEVELOPMENTS

Complaints

8.3 The Department for Education and Skills has recently revised regulations for local authorities on the handling of complaints under the Children Act 1989 and will shortly be publishing guidance on these regulations. The revised procedures have been developed following both public consultation and detailed consultation with key stakeholders including children and young people. They will enable quick and efficient resolution of complaints, something that children and young people have told us is important to them.

Independent Reviewing Officers

8.4 Section 118 of the Adoption and Children Act 2002, which commenced in September 2004, introduced a new statutory role of Independent Reviewing Officer (IRO) with responsibility for the process of reviewing looked after children's cases. Section 118 amended section 26 of the Children Act 1989 so that local authorities are required by regulations to appoint IROs to: participate in the review of children's cases, monitor the authority's function in respect of the review and refer a case to the Children and Families Court Advisory Service (CAFCASS) if the failure to implement the care plan might be considered to breach the child's human rights. Regulations require IROs to ensure:

- that the views of children and young people are understood and taken into account (in care planning);
- that the persons responsible for implementing any decision taken in consequence of the review are identified; and
- that any failure to review the case...or to take proper steps (to implement review recommendations) is brought to the attention of persons at an appropriate level of seniority within the responsible authority.

8.5 *Independent Reviewing Officers Guidance*²⁷ issued when the new IRO role commenced, specifies that the IRO is responsible for taking steps so that the child is able to make a meaningful contribution to their review.

Advocacy

8.6 The Adoption and Children Act 2002 amended the Children Act 1989 by inserting into it a new section 26A which puts a duty on local authorities to make arrangements for the provision of advocacy services for:

- care leavers making or intending to make representations under section 24D of the Children Act; and
- children making or intending to make representations under section 26.

²⁷ *Independent Reviewing Officers Guidance* (Department for Education and Skills 2004): Chapter 4

8.7 When a child or young person indicates that a concern or problem is not being resolved and a complaint is likely to be made, local authorities must ensure that the child has help and assistance to have an advocate if they want one. In November 2004 the Department for Education and Skills issued section 7 guidance called '*Get it sorted*'. This provides all children's services staff with an understanding of the new duties in relation to advocacy as introduced by the Adoption and Children Act 2002.

PUBLICATIONS

8.8 The Department for Education and Skills funded the Children's Rights Alliance for England to produce *Ready steady change*²⁸. This consists of two core training handbooks: one aimed at practitioners and one aimed at young people. Alongside the core materials, a series of specialist training packs have been published.

8.9 The Department also funded Barnardo's to develop a resource pack, *Say it your own way: children's participation in assessment*, which gives practical support to practitioners conducting assessments and drawing up subsequent care plans²⁹.

8.10 Guidance was issued in April 2004 on the Education Act 2003 duty to consult with pupils when taking decisions affecting them. *Working together: giving children and young people a say* provides advice for local authorities, governing bodies and schools on the principles and practice to support work on consulting with pupils, when taking decisions which affect them³⁰. Local authorities and schools are required to have regard to it under section 176 of the Education Act 2002. The guidance helps schools to decide how best to involve pupils in all aspects of school life, with examples of good practice to use.

8.11 A revised version of The National Youth Agency's *Hear by right* was published in 2005³¹. This provides an updated standards framework for organisations across the statutory and voluntary sectors to assess and improve practice and policy on the active involvement of children and young people.

²⁹ Hutton A. and Partridge K (2006) *Say it Your Own Way: Children's Participation in Assessment*. A guide and resource pack of Barnardo's commissioned by Department for Education and Skills www.barnardos.org.uk/say_it_your_own_way_flyer-2.pdf

³⁰ *Working together: giving children and young people a say*. Department for Education and Skills (2004)

³¹ *Hear by Right*. A participation framework for organisations produced by the National Youth Agency (rev. 2005).

Research/Statistics

8.12 Two studies were commissioned by the Government to inform the development of participatory practice in children's services. The first – *Expanding and Sustaining Involvement* – provided a snapshot of the 'participation landscape' in summer 2003, drawing on the limited amount of existing research supplemented by a review of policy documents and discussions with key stakeholders³². It identified eight key aspects of a participation infrastructure that need to be in place for good practice to be developed and sustained: policy, budgets, champions, structures, specialist staff, training, guidance and monitoring. Structures and practice tended to be more developed in the voluntary than the statutory sector. Although there had been significant developments over recent years in the adoption of policies supporting children's participation, less had been achieved in embedding this commitment in everyday practice.

8.13 The second study – *Building a Culture of Participation* – developed a database of nearly 150 organisations that had involved children and young people, covering a range of agencies, sectors and ages of children. Most participation was locally based and in small organisations or agencies, and was more likely to involve youth work or community regeneration than other areas, such as youth offending and the courts. Most participation focused on service delivery or development, with less attention given to policy or strategy development. Case studies of 29 organisations that had involved children and young people were used to develop a handbook to help organisations to move towards a more participatory culture

8.14 In October 2004 the Department for Education and Skills published *Mapping Children and Young People's Participation in England*³³. This research document was produced by the National Youth Agency and the British Youth Council and surveyed 849 statutory and 160 voluntary organisations in England between November 2003 and January 2004 in order to establish a systematic picture of the levels and ways in which they involve children and young people up to 19 in decision making. Key findings include:

³² Cutler D. and Taylor A. (2003) *Expanding and sustaining involvement: a snapshot of participation infrastructure for young people living in England*. A report of the Carnegie Young People Initiative, commissioned by the Children and Young People's Unit, Department for Education and Skills. www.carnegietrust.org.uk

³³ Fowler C. and Oldfield C. (2004) *Mapping Children and Young People's Participation in England*. A report of the National Youth Agency and British Youth Council, commissioned by the Department for Education and Skills. www.carnegietrust.org.uk

- 79% of statutory and 81% of voluntary sector organisations report that they currently involve children and young people in decision making and both sectors reported growth in the level of participation work over the last four years. However participation work appeared to be more limited in health and criminal justice fields and in central and regional government.
- Participation levels and impact are reported to be greatest in those organisations with an explicit remit to work with children and young people.
- Positive personal views concerning participation even where organisations report limited experience of involving children.
- Even where organisations are taking participation seriously, monitoring and evaluation, training for adult decision makers and feedback to young people are being neglected.

Participation in care reviews

8.15 In 2004-05 the Department for Education and Skills collected statistics for the first time about the participation of children aged 4 years or over in their care review. Initial statistics show that in the year ending 2005:

- Of the looked after children aged 4-9 who were required to have a review:
 - 27% did not attend and did not have his or her views conveyed to the review;
 - 67% of children’s views were conveyed into the review in some form;
 - 22% physically attended the review and spoke for him/herself.
- Of the looked after children aged 10-15 who were required to have a review:
 - 13% did not attend and did not have his or her views conveyed to the review;
 - 86% of children’s views were conveyed into the review in some form;
 - 60% physically attended the review and spoke for him/herself.

- Of the looked after children aged 16 and over who were required to have a review:
 - 12% did not attend and did not have his or her views conveyed to the review;
 - 87% of children's views were conveyed into the review in some form;
 - 70% physically attended the review and spoke for him/herself.

CHAPTER 9

EFFECTIVE REGULATION

Objective: To ensure that through regulatory powers and duties children in regulated services are protected from harm and poor care standards.

INTRODUCTION

9.1 In April 2004 a single, independent inspectorate for all social care services in England was created. The Commission for Social Care Inspection (CSCI) was created by amalgamating the Social Services Inspectorate (SSI), the National Care Standards Commission, the Joint Review function of the Social services Inspectorate and the Audit Commission. The powers for the creation of the Commission were set out in the Health and Social Care (Community Health and Standards) Act 2003.

9.2 CSCI has a statutory duty to report annually on the state of social care services in England. CSCI's first report to Parliament, setting out its findings from inspection and assessment activity, was published in December 2005.

9.3 In November 2004, CSCI set out proposals for modernising the regulation of social care in its consultation document *Inspecting for Better Lives*. The findings from this consultation were published in *Inspecting for Better Lives – Delivering change* in July 2005. At the same time CSCI published its corporate plan for 2005-08. This acknowledged that the current framework for the registration and inspection of regulated social care services was insufficiently focused on what matters to service users, and “too inflexible to accommodate models of care which respond more effectively to their needs”.

9.4 The review of the National Minimum Standards for Children's Social Services started in early 2005. The review aims to consider how to get the most out of inspection and reduce the burden on good quality providers and the Inspectorate and allow for a greater focus on providers who need to drive up their standards and make improvements to their service.

9.5 The National Minimum Standards for private fostering came into force on 18 July 2005. The standards are minimum standards rather than best possible practice. It is hoped that they will focus local authorities' attention on private fostering and lead to improvements in the way in which they carry out their duties and functions in relation to private fostering.

The standards are grouped under a series of key topics: statement on private fostering; notification; safeguarding and promoting welfare; advice and support; and monitoring compliance. The standards are intended to be qualitative, but they are also designed to be measurable. In inspecting against the standards CSCI will follow a proportionate inspection methodology, which enables consistent judgements to be made and reported across the country. Practice which exceeds the requirements of the standards will also be identified, recognised and reported through inspection reports.

9.6 Adoption Support Agencies (ASAs) were introduced by the Adoption and Children Act 2002 which amended the Care Standards Act 2000 to make new provision for the registration of ASAs by the registration authority. The amendment came into force on 30 December 2005. The purpose of these new provisions is to allow agencies other than adoption agencies to provide support services in connection with adoption while ensuring that organisations operating in this sector are properly regulated. The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 and the National Minimum Standards, which are used by the Commission for Social Care Inspection as part of the inspection process, ensure that adopted children and their families who access adoption support services provided by ASAs can be confident that the service they receive will be appropriate and tailored to their particular needs.

CHAPTER 10

SKILLS, TRAINING AND QUALIFICATIONS

Objective: To ensure that social care workers are appropriately skilled, trained and qualified, and to promote the uptake of training at all levels.

INTRODUCTION

10.1 In 2005, the Government published the Children's Workforce Strategy consultation, with a response to the consultation following in February 2006. This strategy set out a long-term plan to ensure a world-class workforce in children's services, encompassing social care. The aim is to create a highly qualified and appropriately trained workforce, which is an attractive and viable career option.

10.2 Some of the main pieces of work being taken forward under the strategy include:

- improving workforce intelligence across children's services, working with the newly created Children's Workforce Development Council, part of the UK Sector Skills Council, Skills for Care and Development;
- embedding a Common Core of Skills and Knowledge across the entire children's workforce, which includes a specific area on safeguarding children;
- creating an Integrated Qualifications Framework for the whole children's workforce, allowing easier progression within and between sectors within children's services;
- implementing an information sharing Index, which will enable practitioners to identify problems earlier and share information with relevant agencies; and
- carrying out various strands of work to improve leadership, management and supervision in children's services, particularly in multi-agency settings.

Statistical update

10.3 Skills for Care, the sector skills council for adult's social care, has been leading the development of National Minimum Dataset for Social Care (NMDS-SC). This basic set of workforce data was piloted by a large number of providers in 2005 with a view to establishing a national data collection process that covers all sectors of social care – adult's

and children's – equally, establishing for the first time a consistent workforce dataset for private and voluntary sector providers as well as those run by LAs.

10.4 In the Local Authority Workforce Survey, information was collected on the number of registered managers and home care managers holding a range of qualifications, broken down by job function. The data is based on responses from 101 social service departments and have been grossed up to the equivalent of a 100% response. In total, 21% of all registered managers and home care managers held management qualifications in 2004. In children's homes, this proportion was only 19%. Overall, the most commonly held qualification in all homes was NVQ Assessor, accounting for 23% of the total.

10.5 In relation to qualifications of children's social care workers, the General Social Care Council (GSCC) reported that:

- Between 2001 and 2005 the total number of Diploma in Social Work awards increased from 3,233 to 4,050.
- The number of Diploma in Social Work awards is likely to decrease since the new Social Work Degree courses started in the academic year 2003/04. In the first year registrations to the new degree courses numbered 2,411 which increased to 4,770 in 2004/05.

10.6 The General Social Care Council has reported that, in September 2003, 2,411 students registered for the new Social Work degree. Although the current numbers registered for the degree are not enough to meet the current demand for children's social care workers, there has been a net increase of 16% in students enrolling on social work qualifying training since 2000. The highest vacancy rates were for care staff in children's homes, at 14.7%. 77% of managers reported that the single most common issue affecting recruitment for children's social care workers was the lack of suitably qualified applicants³⁴.

10.7 A third of the social service departments recruited children's social workers from other countries. Two-fifths of social service departments had improved pay for this job group, but

³⁴ Social Services Workforce Survey 2003, Social Care and Health Workforce Group, July 2004

this was less common for other jobs. Other measures listed by authorities included competency-based job descriptions, career pathways, the payment of 'bounties' to existing staff, young apprenticeships, student placements, trainee social workers and bursary schemes.

Recent research findings

10.8 Research conducted by the Thomas Coram Research Unit looking into the relationship between staff quality and outcomes for children looked after will be published later this year. The study compares the deployment of staff in care homes in Denmark, Germany and England to understand what we can learn from the way the care systems operate in these countries.

10.9 In addition, the joint Department for Education and Skills/DH review of the social care workforce *Options for Excellence*, has been working through 2006 to develop effective and sustainable policies to address some of the difficulties facing the workforce. As a part of this, gaps in our knowledge and understanding of the workforce have been identified and will be addressed by further research and analysis. This includes understanding what sorts of deployment of staff seem to deliver the best outcomes for children, as well as getting a better understanding of the way the workforce can meet social care needs. The review is also considering issues around recruitment, retention and training. A final report will be produced in Autumn 2006, recommending several areas of work to take forward.

CHAPTER 11

RESOURCE PLANNING

Objective: To maximise the benefits to service users from the resources available, and to demonstrate the effectiveness and value for money of the care and support provided, and to allow for choice and different responses for different needs and circumstances.

INTRODUCTION

11.1 Understanding how resources are deployed to best effect in children's social care is not a simple matter. Measuring results is complicated, not least because clear causal links between service interventions and child outcomes can often be hard to demonstrate. Inputs can be hard to quantify because of the scope for varied interpretations of need and service categories and different local accounting practices.

Volume of care and costs

Statistical update

11.2 The greatest pressure on the resources of Council with Social Services Responsibilities (CSSRs) in the provision of children's services is the volume of care provided to looked after children. In Children Act Reports the national impact of this pressure has been tracked in terms of volume and costs trends.

11.3 In a typical week in February 2005, the CSSRs provided services to around 234,700 children (about 2% of the 0-17 general population). Of these, 65,900 (28%) were looked after children. However, in terms of cost, around 66% of the money spent by CSSRs in this week was spent on looked after children. To put this another way, while CSSRs provided services to over 2.5 times more other children in need than looked after children, they spent over 1.5 times more on looked after children. Breaking this down to a cost per child level shows that a looked after child costs (on average) nearly five times as much to provide services to than other children in need.

11.4 One of the reasons that costs for children looked after are higher than those for other children in need is that CSSRs have to pay for accommodation for the majority of looked after children. Numbers of children starting to be looked after per year have fallen from

28,400 in 1998-99 to 24,500 in 2004-05. However, the proportion of children starting to be looked after under full or interim care orders increased from 15% in 1998-99 to 17% in 2004-05. This is significant in terms of cost because the average length of care for children who ceased to be looked after in 2005 with a full care order legal status was around 2,310 days – i.e. just over 6 years. By contrast, the average length of care for children looked after under voluntary agreements is just over a year. The effect of this has impacted on the total number of children looked after which increased steadily from 1994 to around 2003, although numbers have stayed constant over the last couple of years.

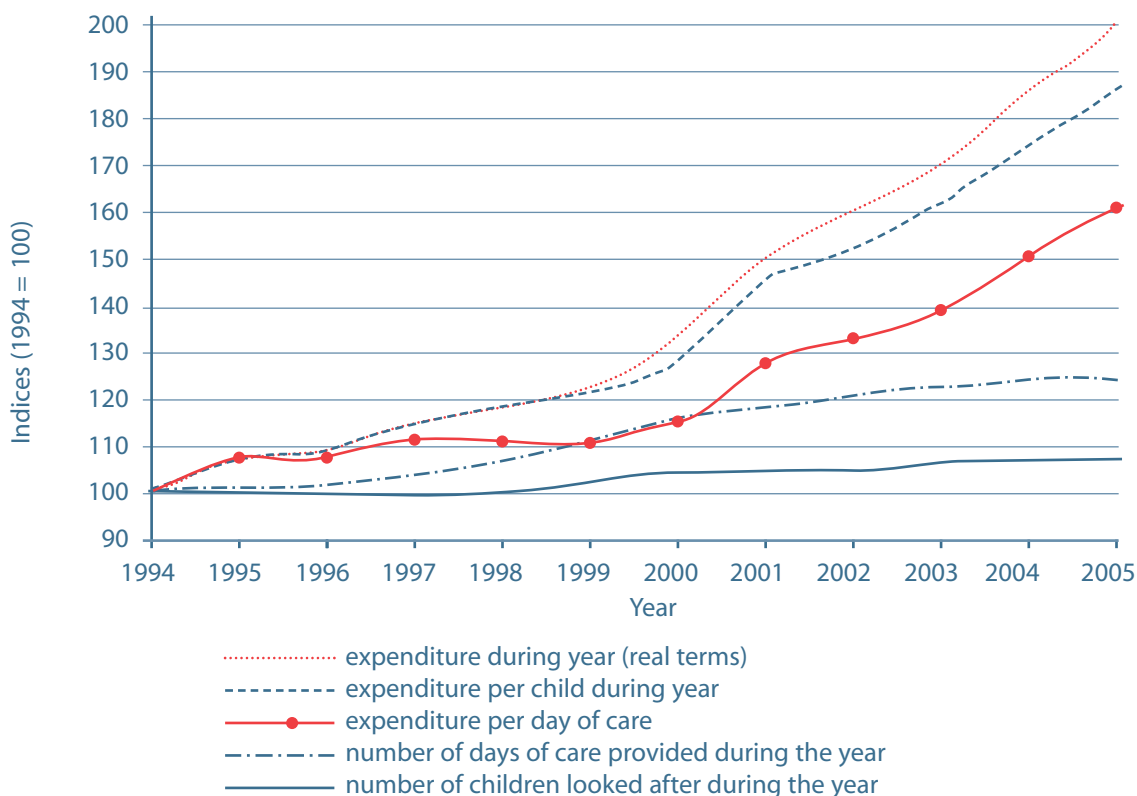
11.5 The reason that children and young people receive services is recorded in the form of need codes. Examination of data from the 2005 Children in Need census show that children looked after are most likely to be in need because of abuse or neglect (55%), followed by disability (13%), and family dysfunction (10%). Likewise, other children in need are most likely to be in need because of abuse and neglect (30%), but also family dysfunction (14%), family in acute stress (12%) and again child's disability (12%). When children looked after in respite care are excluded from these figures, the proportion of children looked after for reason of disability drop to around 5%.

11.6 The average cost per child by reason for being in need code shows that some needs have much higher average costs than others. For example, the average cost per week per looked after child in need because of socially unacceptable behaviour is £1,200. This compares to an average cost for each looked after child of £680.

11.7 The figure below traces five variables:

- number of children looked after at any time in the course of the year;
- volume of care provided expressed as the number of child days of care provided;
- total expenditure on children looked after;
- expenditure per child during the year;
- expenditure per child day of care.

Figure 11.1. Expenditure on looked after children, numbers of children looked after and number of days of care provided, years ending 31 March 1994 to 2005



11.8 These trends show that in-year expenditure has doubled in real terms between 1993-94 and 2004-05 whilst the number of children looked after has remained stable. However, the cost per day of care has also increased by about 60 per cent in real terms over the same period.

Time spent working on behalf of children

11.9 Data from the CiN Census 2005 suggest that workers who carried out individual work with children spent around 32% of their time in activities that could not be attributed to children (non-child time). This is very similar to the figures from the 2001 and 2003 censuses (30 and 31%). The amount of non-child time varies between different types of worker – for example, team leaders spent 51% of their time working directly on behalf of children, while social workers spent 71% of their time working with children.

Statistical data about the workforce

11.10 Between 2004 and 2005 the number of whole time equivalent staff directly employed by councils in social services jobs rose by 1%. Of these, the number working in children's social services rose from 43,310 to 44,790. This represents approximately 21% of all social services staff directly employed in September 2005.

Recent research findings

11.11 The Centre for Child and Family Research (CCFR) conducted a study exploring similarities and differences in the needs, costs and experiences of nearly 500 children looked after by six local authorities identified factors that cause costs to vary.³⁵ These included the level at which decisions about placement are made, the threshold for accessing resources, whether it is an in-house or agency placement and the characteristics and needs of the child. This information has been used by the researchers to develop a computer based decision analysis model, which will allow agencies to estimate the probable costs over a specific time period and the likely outcomes for children in different types of placement. The study demonstrated the importance of adopting a systems approach to evaluating services: expenditure on family support is likely to increase if numbers of looked after children are reduced. It also suggests that for some children, postponing service provision could be a false economy, since children who remain too long without adequate support are likely to eventually require more costly services and placements.

11.12 The high cost of not meeting children's needs was also demonstrated in a study of what happened to children who had been approved for adoption in the 1990s³⁶. Children who were still not in a stable placement at the time of the follow-up (on average 7 years after placement, when children were aged between 7 and 21) cost seven times more than those who had been adopted, and spending on their care by the local authority was expected to continue and increase.

³⁵ Ward H., Elson L., Soper J. and Olsen R. (2003) *Costs and consequences of different types of childcare provision*. Final Report to the Department of Health.

³⁶ Selwyn J., Sturgess W., Quinton D. and Baxter C. (2006) *Costs and outcomes of non-infant adoptions*. BAAF.

CHAPTER 12

COURT ACTIVITY

INTRODUCTION

12.1 A range of court orders are available under the Children Act 1989. These can either be under 'private' or 'public' law proceedings. Private law proceedings involve individuals (most commonly parents) who are seeking to make arrangements for children in which local authorities are not involved. In public law, the local authority usually commences the proceedings, in particular, in cases where there are issues of child protection.

Private law

Statistical update

12.2 The following table updates the figures for the number of orders made under each of the options available in section 8 of the Children Act 1989.

Figure 12.1: Numbers of Private Law Orders made in 2004 and 2005

Type of Order	2004	2005
Residence	31,878	26,166
Contact	70,169	59,669
Prohibited Steps	9,556	8,203
Specific Issues	3,893	3,303

Public law

12.3 The following table sets out the numbers of orders made in public law proceedings in the main orders available.

Figure 12.2: Numbers of Public Law Orders made in 2004 and 2005

Type of Order	2004	2005
Emergency Protection Orders	2,390	2,236
Prohibited Steps	235	213
Secure Accommodation	945	648
Residence	2,976	2,493
Specific Issue	162	144
Care	7,796	6,665
Supervision	3,012	2,563
Contact	2,045	1,549

Source: Judicial statistics: England and Wales, 2004 and 2005

CAFCASS

12.4 The remit of the Children and Family Court Advisory and Support Service (CAFCASS) is to:

- Safeguard and promote the welfare of the child
- Advise courts about family proceedings applications
- Make provision for children to be represented in family proceedings
- Provide information, advice and support for children and their families.

12.5 Challenges to the service include: working with other stakeholders in the family justice system to reduce delays; rolling out new services and ensuring a consistent high quality service nationally through the introduction of new national standards.

12.6 Key developments include:

In October 2005 CAFCASS launched the consultation on its professional strategy – *Every Day Matters*. The strategy aims include:

- Improve efficiency of practitioner time and effectiveness of intervention in cases, so that public law care cases can be allocated within two days by April 2007;
- Guarantee intensive early intervention within the first six weeks of each case by April 2007 and to offer extended dispute resolution in all CAFCASS teams;
- Minimise report writing, in private law cases, and extend practitioner work in helping parents reach agreements themselves, where there are no child safeguarding concerns.

Child contact centres

12.7 Child contact centres play an important role in facilitating contact between children and their non-resident parent, particularly where there are concerns about safety for any family member. Their role in the local community has been recognised by their inclusion in the guidance issued for Local Strategic Partnerships.

12.8 Between April 2000 and March 2006 the Government has made £5.35m available to support child contact centres, both supported and supervised, and to support their representative organisations. This has included funding the establishment of 14 new supervised centres as well as a sustainability fund during the financial years 2004-05 and 2005-06 to which already existing child contact centres (supervised and non-supervised) could bid.

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