



CSDG Submission to Children, Schools and Families Select Committee - Inquiry into Looked-after Children

Summary:

- This submission introduces the members of the Children's Services Development Group (CSDG).
- It explains our general support for the provisions of the Children and Young Persons Bill.
- It sets out our specific concerns about the effect of the Bill on placements for children with very complex and acute needs, and the amendments we proposed in the Lords Grand Committee.
- The submission sets out the assurances that have been provided by Ministers on this issue.
- It makes clear that CSDG is committed to continue working to ensure that children with very complex and acute needs can be provided with placements that are most appropriate for them.

About the Children's Services Development Group

1. The Children's Services Development Group (CSDG) is a policy group of specialist children's services providers. It consists of Cambian Group, Castlecare Group, Foster Care Associates, Hesley Group, Priory Education Services and SENAD Group.
2. CSDG was formed in January 2007 to constructively inform the development of policy around services for children with complex and challenging behavioural problems and special educational needs.
3. CSDG's members provide a range of specialist education and care services to young people with Asperger's Syndrome, Autistic Spectrum Disorders, Behavioural, Emotional and Social Difficulties, specific learning difficulties and complex needs, including a significant proportion of looked-after children.
4. All of the members are committed to providing dedicated specialist care and support services to the highest regulatory standards. They also set a leading example for the training and development of their staff.

General position on the Bill

5. CSDG is fully supportive of the spirit and intention behind the Children and Young Person's Bill. For too long outcomes for looked after children have been unacceptably poor. This has been a major factor in wider societal problems, including increased rates of teenage pregnancy and youth offending. We believe that robust early interventions to prevent young people from entering care, as well as improvements to the care system, will result in better outcomes for families and children in care.

Children in care with complex and acute needs

6. We are focussed on improving outcomes for looked-after children with acute and complex needs - a significant proportion of the looked-after children population. 27% of looked-after children have a statement of special educational needs, compared to only 3% of all children in the general population (Social Exclusion Unit, 2003). Many more children in care may not have received a SEN statement, but have experienced neglect and abuse (62% of all looked-after children, DCSF, March 2007) and may have developed Behavioural, Emotional and Social Difficulties as a result. Additionally, many others within the care system suffer from Autistic Spectrum Disorders and/or Severe Learning Difficulties.
7. Many children in care need highly specialised therapeutic support to enable them to achieve a successful transition into adulthood. It is imperative that, once in the care system, young people are provided with the most appropriate care placement to meet their individual needs.
8. As far as possible, children should be placed in accommodation near to their families and homes. For the majority of children, this would ideally be in a foster care setting that can provide a stable 'family style' environment. However, this type of placement will not be appropriate for all looked-after children – those with the most acute needs will require individual packages of specialist support delivered in a specialist setting.
9. We believe that government should establish a new duty on local authorities to prioritise the individual - and professionally assessed - needs of each child when making placement decisions, and choose placements in settings that are able to demonstrate their ability to improve outcomes for the children and young people in their care.

Key clauses – notes and suggested amendments:

Clause 8: Provision of accommodation in its area for children looked after by a local authority

10. We have sought, and received, assurances from DCSF that the Bill's restrictions on placing young people away from their local area will not be used to prevent children with complex and acute needs being placed in settings that are most appropriate to provide the high quality specialist services that they need.
11. Kevin Brennan MP, Parliamentary Under Secretary of State for Children and Families – speaking at a CSDG Reception (9th October 2007) – made clear that the Bill would not prevent access to specialist services for children with complex and acute needs: ***"... the needs of each individual child must come first. We will ensure that out of authority restriction is not absolute, as we recognise that some young people will have needs that require them to be placed at a distance."***
12. We welcome the Bill's focus on ensuring local authorities provide placements for the young people in their care that are '**consistent with the child's welfare**' and would like to seek more clarity on this point. In particular, we assert that in order for placements to be truly appropriate, the individual needs of each child must be paramount in the placement decision making process.
13. As stated above, our experience of working with young people with special educational needs - including those with severe learning difficulties and behavioural, emotional and social difficulties - has demonstrated that with the appropriate specialist provision, successful

outcomes can be attained and the welfare of children can be prioritised. In these cases, out of authority placements may be the most appropriate to meet the child's needs. Furthermore, in circumstances where young people have been the victims of abuse or sexual exploitation, or have been exposed to harmful influences from peer groups in their local areas – it is essential that appropriate therapeutic services can be provided in a setting away from the local area.

14. As currently drafted, the Bill states that the Secretary of State will define the requirements that local authorities must comply with before placing a child out of their area. We believe that further clarification is required in the Bill to ensure that local authorities understand that placements must be made on the basis of each child's needs, including any specific requirements to address their special educational needs.

We proposed the following amendment is made to Clause 8:

Insert subsection (4):

“For the purposes of this section, the “child’s welfare” should be defined with regard to the following criteria:

- i. appropriate educational outcomes (including those for children with special educational needs)
- ii. support for the child’s social, emotional and behavioural needs
- iii. safeguarding requirements, whereby for reasons of safety it is appropriate for the child to be separated from their local environment
- iv. the long term stability of the potential care placement”

Clause 9: Provision of accommodation which is near to looked after child’s school

15. Our experience has shown that very often, children in care with complex and acute needs will not be attending their local school, either as a result of truancy or due to their having been excluded due to challenging behaviour. In such cases, the likelihood is that, if left to their own devices, children with behavioural problems will become involved in harmful and criminal activities.
16. We are concerned that a lack of flexibility and understanding of the circumstances of children with complex needs, may result in decisions to place a child in an inappropriate placement simply because it is near to the school where they are registered – regardless of whether or not they are actually attending, or whether the school is able to provide the specialist support they require.
17. Again, we assert that placing decisions must always be made on the basis of each child’s needs. In some cases the requirement to place a child near to the school where they are registered will not be appropriate, and could be used by local authorities struggling with financial pressures, to avoid placing a child in a more costly specialist setting that would be better suited to address their complex needs.
18. We recognise that the Bill makes an exception for circumstances where it would not be **‘consistent with the child’s welfare’** for the child to live near the school at which they are registered, but we believe that further clarity is required on this point.

We proposed that the following amendment is made to Clause 9:

Insert subsection (5):

“For the purposes of this section, the “child’s welfare” should be defined with regard to the following criteria:

- i. appropriate educational outcomes (including those for children with special educational needs)
- ii. support for the child’s social, emotional and behavioural needs
- iii. safeguarding requirements, whereby for reasons of safety it is appropriate for the child to be separated from their local environment
- iv. the long term stability of the potential care placement”

Position following Lord’s stages of the Bill

19. The suggested probing amendments – outlined above – were jointly tabled by Baroness Walmsley, Baroness Sharp, Lord Judd and the Earl of Listowel.
20. During the debate Lord Adonis stated that there will always be children for whom an out of area placement is the most appropriate, in particular ***“children with needs that can only be met in very specialist placements or those who may need to be moved away from their home area for their own protection”***.
21. Responding to the suggestion of adding a definition of ‘welfare’ into the text of the Bill, Lord Adonis said that the government do not believe that it is necessary or desirable to specify a definition in primary legislation. He stated that the professionals involved in making decisions about looked after children would already understand what it means – namely the “well-being, happiness, health and prosperity of a person” – and that putting a definition into the Bill may limit the choices that a local authority can make in a way that may be detrimental to a child’s overall welfare. He also stated that the five Every Child Matters outcomes (set out in Section 10 of the Children Act 2004) already cover the aspects of welfare that the amendment suggests.
22. He reiterated that the government would be issuing revised guidance to local authorities on compliance with the Children Act (1989) (which this Bill amends) which set out the key factors that a local authority must take into account when making care placement decisions. He confirmed that this guidance will cover the factors highlighted in the amendments. Baroness Walmsley then asked specifically whether the issues mentioned in her definition of ‘welfare’ would be covered in the guidance, to which Lord Adonis answered “yes”.

Conclusion

23. Our purpose in proposing amendments that set out a definition of the ‘welfare’ of a child was to add clarity to the circumstances when it is right for a child to be placed out of their local area. Lord Adonis’ statement acknowledging that in some cases it is right that children be provided with specialist care in out-of-area placements has, we believe, ensured that this position must be taken into account when the statutory guidance is produced after the Bill receives Royal Assent.
24. We would recommend therefore, that the Select Committee presses the government to further clarify this situation through its evidence to this inquiry. Without a clear understanding of the correct circumstances where a child’s ‘welfare’ would be best served in an out-of-area placement, local authorities – struggling to deal with exceedingly tight

financial resources - will make decisions on the basis of cost rather than the specific needs of individual children.

25. We believe that it is essential that a thorough assessment of each child's needs should be the driving force behind placement decisions for looked after children. The state has a duty to ensure that the children and young people in its care – and particularly those with complex and acute needs (including SEN) – are provided with the best and most appropriate care placements for their needs.
26. The Children's Services Development Group would be happy to provide members of the Committee with further details on the role played by specialist settings for looked after children with acute needs. We are also currently developing a case study library that could be useful to inform the committee's inquiry.

For more information:

We would be delighted to arrange personal briefing meetings, and/or further details on the issues contained within this briefing on request.

For more information about the Children's Services Development Group, please visit: www.csdg.org.uk.

Alternatively, please contact: Marc Woolfson – Administrative Secretariat: **Children's Services Development Group**

Tel: 020 7222 9500 / Email: marc.woolfson@dial.pipex.com