

Response ID ANON-8B14-ZB3H-P

Submitted to Children's social care strategy: Stable Homes, Built on Love
Submitted on 2023-05-10 11:56:15

About you

1 We want to hear from children in care and care leavers, as well as others in this consultation. Are you:

An organisation

If you are responding on behalf of an organisation, what is the name of your organisation?:
Association of Lawyers for Children

2 To help us analyse responses, please tell us in what capacity are you responding to this consultation? As a...

Other (please state)

If other, please type in here and specify. :
Lawyer

3 If you are responding on behalf of an organisation, what is your role within that organisation?

Please select what is your role within the organisation:
Management

4 Would you like us to keep your response confidential?

If you would like your response to be kept confidential, please explain why:

n/a

5 In sharing findings from this consultation, may we quote from your response?

Yes, attributable to my organisation

6 This question is only for adults over the age of 18, or organisations.

Yes

If you are content to be contacted, please provide your email address. :
admin@alc.org.uk

Questions for Children and Young People

1 What difference do you think our 6 ambitions for change will make to the lives of children and families?

Not Answered

What more, if anything, could make things better?:

2 If a friend told you they were having serious difficulties with their family at home and they wanted help, which trusted adult would you recommend they speak to?

Please comment below:

3 Do you think the missions for children in care and care leavers are the right ones to focus on?

Not Answered

Please comment below:

4 What makes, or would make a great social worker?

Please comment below:

5 If you were the Prime Minister, what would be the most important thing you would want to change in children's social care?

Please comment below:

6 What did you think of the children and young people's guide?

Not Answered

If you want to give further feedback, what could we do next time to make it better?:

7 In the future, what do you think is the best way to ask children and young people what they think about our plans for children's social care?

Please comment below:

8 How old are you?

Not Answered

9 Are you:

Not Answered

Chapter 1: Our vision & making reform work for everyone

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

Agree

If desired, please briefly explain your answer :

The ALC welcomes the vision for children's social care. Providing necessary support to, and protecting the safety and welfare of, children is a key function of the state and should be a government priority. The system of children's social care should: consistently and sustainably offer children and their families appropriate support; strengthen families and enable children to thrive in their home environments; act promptly and consistently to safeguard children and provide them with suitable alternative care where necessary; and ensure that children who enter care have their needs met throughout their childhood and in transitioning to adult life.

At present, the needs of children and families are not being met consistently. The most vulnerable young people fall through the gaps. Outcomes are inconsistent and, too often for care leavers, poor. The system is under significant and unsustainable pressure. Urgent change is needed.

This strategy recognises some of the challenges and offers thoughtful and evidence informed solutions. We are cautious, however, as the resources outlined in the consultation document are unlikely to be sufficient to achieve the identified outcomes.

Lawyers for children play an integral part in child protection and can offer a unique insight. The ALC are willing to engage further in the review process.

This response takes each question in turn, some questions are answered together. In addition, we make some general chapter observations, where appropriate.

The pillars of reform are family and child centred. The ALC welcomes the renewed focus on social care and child protection. However, meaningful change that improves outcomes for vulnerable children and their families requires new ways of working. Successful reform will be dependent upon sufficient resourcing, research driven policies, and a lasting commitment to driving change. The ALC is concerned that additional investment will be required to successfully achieve the scale of reform that is envisaged.

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

Please comment below:

Disabled children are amongst the most vulnerable in our communities. Too often there are barriers to support, whether through a lack of information or the burden of administration or, simply, a lack of specialist resources. The ALC endorses the strategy's focus and prioritisation of support for disabled children and young people. We recommend consideration of the following initiatives to ensure that the proposed outcomes are achieved:

- Development of a system of specialist advocates to support disabled children and their families to identify and access the right help. Too often, families feel lost, helpless and do not know who to turn to for the right support. Support is accessed through different teams (health, social care, universal services), often covering different geographical boundaries and with different access requirements. This diverts parental resources from childcare as time is spent trying to navigate disparate resources or to complete complex forms. Identified advocates, who are not constrained by funding panels, to help families through the minefield of legislation, policies, regulations and local provision will be of huge support at a time when families are overwhelmed in managing day-to-day life.

- Developing a streamlined pathway/journey through the individual steps of securing support which includes all service providers would assist so that families know who to approach, when to do so and what they are likely to secure. It is hoped that this will form part of the Law Commission Review to simplify and streamline legislation. Visual and clearly identified pathways to support families should form part of appendices to legislation as for some families trying to read, digest and understand even simplified legislation is difficult.

- One point of contact, who then links and makes referrals in accordance with the suggested pathway to all identified service providers who may be able to assist that family's individual's needs, with regular reviews to avoid families becoming 'lost to the system'. This should form part of the Pathfinder design.

The ALC recognises that all of the above is resource led. Further, that resources vary significantly, even between neighbouring boroughs. Local authorities need to be properly resourced to meet the needs of children and families in their area. Professionals need to be empowered to advocate for the right support for children. There needs to be better cross-agency working, particularly between health, education and social care, to ensure that the holistic needs of disabled children and young people are promoted. Too often, budgetary constraints, particularly the allocation of resources from particular budgets result in support being difficult or impossible to access.

Chapter 2: Family Help

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

Somewhat oppose

If desired, please briefly explain your answer :

The consultation notes the prevalence of targeting and assessment driven processes. The ALC agrees that bureaucracy and assessment should not unnecessarily stand in the way of professionals providing actual support to children and families, but considers that assessment and provision of support should not be seen as mutually exclusive. There is a clear role for assessment in order to provide targeted and tailored support to children and families who need it. Some degree of assessment will always be necessary to ensure a particular child's needs are properly identified and to manage child protection concerns. The ALC notes the observation of some families that they feel monitored rather than helped. The process of assessment and scrutiny can be stressful for families. We acknowledge the perceived – and sometimes actual – tension in the current system of children's social care which is tasked with providing both support and protection. The key is that support follows assessment so that families see the value in assessment rather than feeling stigmatised or judged. This requires sufficient resourcing so that help is available to meet assessed needs and is readily accessible by families.

The stigma for families which is referenced throughout the reforms will take many years to eradicate and during that time the 'buy in' by families may reduce. However, a system which was better resourced to meet genuine need for early support may find that families would be more willing to seek support.

The ALC considers there should be significant reform in the provision of therapeutic services to families. Early access to psychological input – not short term counselling – in appropriate cases, delivered in conjunction with parenting and holistic support through multidisciplinary teams has the potential to meaningfully change the lives of children and their families.

Access to therapy for parents so that they can meet their children's needs and access to therapeutic services for children to recover from trauma is regrettably poor. CAMHS services are overstretched. Parents and children, despite an identified need, too often do not meet thresholds to access community mental health services or face lengthy NHS waiting times. Provision of therapy services for parents has the potential to keep children at home safely and to avoid court proceedings and care outside the family. ALC practitioners regularly have court cases where a parent is assessed as requiring specific therapeutic intervention but will not meet the criteria to access for NHS services or, by the time the case is in court, the provision of therapy is considered to be outside the timescales for the child. The costs of expert court assessments in many cases vastly exceeds the costs of the recommended therapy.

We note and endorse the approach of Bath and North East Somerset Council

(<https://richarddevinesocialwork.com/2022/06/24/the-mother-requires-12-18-months-of-psychological-therapy-unfortunately-this-is-not-consistent-with-the-childrens-social-care-system/>) assessing attachment to inform parental engagement and the provision of psychological therapy in appropriate cases .

The ALC recommends that the government explore this further. On any view, there will be significant long term savings if parents can be equipped to care for their children so they can remain at home rather than being in the care of the state. Those savings relate not only to the individual child but are likely to have further positives in avoiding repeated proceedings and the intergenerational cycle of families being involved in care proceedings. The benefits both to individual children of remaining within their families and to wider society, which bears the cost of the poor outcomes for children in care, would be significant.

The ALC recognises that bringing the two levels of support together could make the journey for support simpler, avoid numerous referrals to different service providers and streamline support services. However, there is and must continue to be a distinction between the services. The ALC would not support the amalgamation of targeted early help and child in need services into a single Family Help Service in local areas.

Local authorities have a statutory duty under s17 to a child in need and a particular and proper assessment must be undertaken in these areas. Targeted early help allows a local authority to provide a wide range of support to families where they wish to accept this, in a voluntary way without a statutory duty.

Early Help rightly provides for the broader needs of families and communities. A unified system with child in need services risks overlooking an individual child's particular needs and may miss opportunities to identify those needs. This is particularly the case where a child's needs are not consistent with those expressed by their families. Family support based on self-identification by parents of what they would seek rather than proper assessment of what their child's needs mandate as necessary may result in that support failing to meet that child's needs.

The primary focus of the child in need system should be on the needs and rights of children, while working closely with the child's family and community. Accordingly, child in need assessments must continue to focus on a particular child as an individual. While s17 support is, to an extent, discretionary, remedies exist to challenge an unreasonable failure to provide such support. The removal of defined s17 services and responsibilities from the state could leave children and families and groups who represent their interests without recourse if they find that they are unable to access support.

The ALC does support the aim that Family Help should be closer to communities and must meet the needs of each of them and demonstrate cultural competence within each local authority area. Local authorities should be encouraged to provide creative and engaging support to their most vulnerable members of their communities who are often disabled children and ethnic minorities. The involvement of the third sector and community organisations should be encouraged but cannot be a substitute for a baseline of properly funded, state-provided support services.

Rather than a formal joining of the two levels, the ALC considers that there be better communication, cooperation and co-working between the two services. The ALC agrees that the change of professionals as families move between teams is unhelpful to families and may be counterproductive in terms of support. This is an issue at all levels of the social care system, for example children moving from assessment and intervention teams to 'court teams' or looked after teams at the point cases enter court proceedings. The ALC recognises that local authorities have to manage and target staff skills to the appropriate area but would support efforts by local authorities to manage staff and resources to ensure continuity of professionals working with children. At a minimum, this requires better communication between teams, effective handovers / transitions between teams and improved co-working. This requires resourcing, not least social workers having manageable caseloads.

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

FH2 - The service is designed together with the input of children and families:

1

FH2 - It is based in local communities, and sits alongside other services such as education, libraries, citizen's advice services and housing services:

3

FH2 - Information and support are available and can be accessed online:

FH2 - Information and support are available and can be accessed in person:

FH2 - Early help is delivered by voluntary and community sector as well as the local authority and their partners (police and health):

FH2 - Strong relationship with one key worker/lead individual for every family:

2

FH2 - Having people with the right knowledge and skills available to help when needed:

FH2 - Having people with the right experience available to help when needed:

FH2 - Being able to access the right type of support:

FH2 - Other (please specify):

If you selected "other", please describe the feature which you think makes early help supportive for families:

Chapter 3: Parental Representation in Child Protection

1 Have you ever provided or received parental representation during the child protection process?

Not applicable to me.

If you selected "other", please briefly describe how you have received or provided a form of parental representation during the child protection process.:
The ALC does not provide or facilitate any form of parental representation. Our membership includes solicitors/barristers and legal advisers who have provided legal representation to parents, including during the PLO process. There is inadequate access to advice and representation during child protection processes; a lack of funding is a key barrier.

2 If you have had experience with a form of parental representation in the child protection process, please tell us about it.

Please describe your experience of a form of parental representation. In answering, please do not provide any personal details about the child protection case you were involved with. :

Whilst the ALC do not as an organisation provide representation, all of our members work within the justice system and we offer the following observations on this chapter.

We welcome the aims and goals of multi-agency working as detailed in the report. Strengthening multi-agency working will always result in better child protection processes and will ensure safeguarding improves. The ALC will always welcome robust child protection measures which are effective to ensure children are kept safe. The ALC would support more emphasis on the multiagency child protection framework as a whole to ensure that the partners are working effectively together. The ALC would also welcome a more integrated safeguarding partnership where the work of the partnership includes more local practice reviews which share learning across all of the multi-agency partners. At present, reviews are usually focussed on cases stemming from a rapid review which are vital for learning, but do not always capture the themes within a particular authority as they are triggered by a particular incident in most cases.

The ALC is in agreement that better information sharing will benefit children, and this is also welcomed. Training is needed to support multi-agency partners, such as police and schools, to better recognise and identify child protection concerns. Better information sharing is essential. This includes the need to correct misunderstandings of the requirements of GDPR, which from the experience of ALC members, has at times precluded effective information retention and sharing.

Although the ALC does not provide parental support within the child protection framework, the ALC would encourage any measures that are considered effective in terms of ensuring that parents feel better engaged in the process. The ALC would promote parents being "partners" within this process as opposed to them feeling as if the professionals are discussing them without listening to them.

The ALC welcomes the attention on addressing risks outside the home. The child protection system was not designed to safeguard children facing risk outside of the home and it continues to struggle to meet the needs of older children facing risks arising from child criminal exploitation/county lines. This impacts a disproportionate number of disadvantaged children and the system is failing those children many of whom come from minority groups. A holistic approach to risk is needed. This includes improved funding for youth services, including mentors and activities, to provide community support for young people. There needs to be collaborative working with the youth offending services to ensure young people can access skilled rehabilitative work rather than just containment so as to avoid the continuation of the cycle of multi-generational child protection concerns.

The ALC notes a focus on moving cases forward within the court system and that funding has been allocated to a project working with local authorities in order to drive improvement. The identification of early discussions between Cafcass and local authorities at the outset of proceedings is welcome. However, this requires adequate Cafcass resourcing. ALC practitioners report concerns from Cafcass guardians, including about caseloads, poor morale and issues with retention. This has at times resulted in Cafcass having insufficient capacity to allocate a children's guardian in time for the first hearing. The ALC notes that there are no solutions offered to resolve the delays which sit with the court themselves, which is, anecdotally, the largest single factor in terms of court delays. Reducing the burden on the courts – through providing early and effective support to divert cases away from court; and providing support post-proceedings so families do not 'bounce back' into proceedings and mothers do not experience repeated removals – is necessary but not sufficient to tackle delay.

The ALC notes the intention to review the role of independent experts in proceedings. There is potential for increased use of in-house expertise, such as parenting assessors and psychologist working within local authority teams. This may offer benefits to families through joined up and holistic working. However, it requires resources. Anecdotally, court experts are being instructed to meet gaps and delays in community paediatric and CAMHS services to assess children. A key driver of delay is the unavailability of experts to report in complex cases in a timely manner. This is particularly acute for medical experts, including paediatricians in case of suspected non-accidental injury, and where there is a need for psychological or psychiatric assessment of the child.

The ALC has noted that a further consultation will be undertaken regarding the National Multi-Agency Child Protections Standards to be included in the updated Working Together 2023, along with the other proposed considerations to be included. The ALC would hope to be able to respond to these proposed updates as part of a consultation.

The ALC also awaits the consultation in respect of the PLWG sub-group recommendations in terms of the Care Proceedings Reform Group.

3 If you are happy to or would prefer to talk to us further about your experience with a form of parental representation in child protection processes, please indicate your consent to be contacted in relation to this set of questions only.

No

Please enter email address here:

Chapter 4: Unlocking the potential of Family Networks

1 In your view, how can we make a success of embedding a "family first" culture in children's social care?

Please comment below:

The ALC agrees that children should remain within their immediate families wherever possible and that family networks have a role to play in ensuring that children can remain with their parents when support is needed. The ALC also agrees that where a child cannot remain in the care of their parents, placement of a child within a family network will, if safe, often be the alternative that best meets their needs. Kinship care should receive greater national policy attention and more children should be supported to remain within their extended families than at present.

In respect of the proposal to refocus towards family group decision making, the ALC agrees this would be a positive step if, in practice, it assists in supporting families to find solutions for safe and sustainable caring arrangements for children. We consider however that it is important that early involvement of extended family in decision making processes does not disempower parents or dilute the voice of an older child in establishing best possible arrangements for their care. Vulnerable parents may need to be supported to ensure that their views - which hold particular legal significance as the views of holders of parental responsibility - are not inappropriately subsumed into/made subordinate to broader family consensus. A family first approach needs to recognise that complex extended family dynamics could in some cases make it harder, not easier, to put together a sustainable support package for parents who may sometimes prefer support from the state. Professionals need to work creatively so that parents do not effectively obstruct the involvement of wider family members or of a separated parent, where those family members can safely offer support to children. Managing difficult relationships within fractured families requires careful professional support. There is a need to balance the needs of children to have relationships with and support from family members with the right of parents to exercise parental responsibility in priority to those who do not hold it. It is important that any offer of support to potential family carers does not reduce focus on the need to offer support to parents themselves to safely care for their children. A policy focus on what extended family can offer to a child does not detract from an understanding of the need for properly funded state support services. Heavy reliance on support from wider family will be unrealistic in many cases where parents who are struggling to meet the needs of their children have themselves received substandard parenting - those parents are unlikely to have family help that would be satisfactory even with wrap-around support. Professional support will remain essential for a large number of the families within the system.

The ALC also considers that if as a result of family group decision making a plan is reached for a child to move permanently/indefinitely into the care of extended family members, provision should be made for all concerned to receive independent legal advice. This is a significant decision with far reaching consequences for long-term care, and current legal aid provision would not necessarily grant representation for a child's parents in responding to an application for a child arrangements order or special guardianship order. However in respect of special guardianship orders the recent extension of family legal aid is noted and welcomed.

Finally, the ALC notes that there is limited reference in the proposals as to how a child's voice would be heard within family decision making or a family first approach more generally. The practical implementation of a family first approach must explicitly recognise the primacy of the welfare of the child in all decision making; and ensure their voice is heard. In consensual arrangements relating to care of an older capacitous child, their input, if not their full agreement, will be important for the placement to stand the best chance of success. Any pilots of family group decision making processes will need to consider how a child's wishes and views will be properly obtained, recorded and given due weight, and how the child should be included directly in those processes.

As the proposal notes, a family first approach is already required of local authorities by statute and statutory guidance. It is also an approach that we anticipate will be recognised by most if not all local authorities as best respecting a child's right to a family life, as leading to better outcomes for children, and as being more cost effective to the local authority than removal of a child into care. There must therefore be a possibility that a failure to put a family first approach into practice in certain local authorities is less because of deficiency in culture or understanding and more because to do so requires interventions involving professional time and resource at an early stage after identification of risk to a child - time and resource that some local authorities simply do not have. While the ALC generally supports the proposals set out at paragraphs 130 to 133 as to how a family first culture could be encouraged, it also considers that local authorities will need more money for delivery of early help services relating to a family first approach before medium and long-term cost savings anticipated from the approach are realised. A change in culture and working practices may otherwise not be achievable.

The Care Review proposed that a new legal right to family group decision making should be created. In principle this could assist in requiring local authorities to embed a family first culture in their work with children. Subject to proper piloting and consultation on the practical working of family group decision making, the ALC would not oppose a new legal right to family group decision making being created provided that it did not stand in the way of prompt progress of decision making for children.

As mentioned both above and below in our answer to question 15, a functioning family first culture will need to continue to recognise and reflect the

importance of the views and wishes of children and parents as well as extended family. Children will need to be given support, approximately targeted to their age and competency, to engage in family decision making processes. Parents' views and proposals should continue to be given significant weight reflecting that at the outset and until any steps are taken to formalise arrangements through an application to the family court, any caring arrangements for their child will be reliant on their ongoing consent and cooperation.

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

Please comment below:

The ALC has identified four key areas of support:

- Legal support - the MoJ's recent extension in legal aid will not necessarily grant legal aid advice to participants in the type of family network planning proposed by the strategy. Early legal advice to parents of children who might move into kinship care and to a prospective kinship carer is essential to ensure that fully informed decisions can be made and to help to avoid conflict later on, especially if there is any question as to what if any order should be sought from the family court to formalise the kinship care arrangement. Earlier legal advice would also assist families in understanding the consequences of not reaching safe arrangements for a child within the extended family.
- Financial support - the ALC agrees with the Care Review proposal that all local authorities should make a financial allowance paid at the same rate as their fostering allowance available for special guardians and kinship carers with a child arrangements order looking after children who would otherwise be in care. The ALC also agrees that there would be benefit in creating greater flexibility in local authority funding arrangements to enable children who would otherwise enter care to live with their families. If extended family members were able to access flexible funding to avoid a child entering care we think that the same flexible funding should, in appropriate cases, be offered to immediate family members of a child if it could achieve the same aim. A situation where flexible funding for practical support was available for extended family members but not for parents could prove unhelpfully divisive.
- Coordinated support in resolving housing, educational, healthcare (including mental healthcare) and other practical issues that arise when coming to look after a child, with children in kinship placements (as broadly defined under the proposed legal definition) being given appropriate priority for services.
- Support for children to ensure that their views and wishes are central to any family network planning process - a placement which is agreed and put in place without the input and involvement of an older child is less likely to meet their needs and may be more likely to break down.

3 What support does your local authority provide to Special Guardians or to a non-parental party with a Child Arrangements Order?

FN1 - A means tested financial allowance:

FN1 - A non-means tested financial allowance:

FN1 - Access to training:

FN1 - Access to free legal advice:

FN1 - Access to information about becoming a kinship carer:

FN1 - Don't know:

FN1 - Other (please specify below):

If you selected "other", please describe the type of support here:

n/a

4 To what extent are you supportive of the working definition of kinship care?

Fully supportive

If desired, please briefly explain your answer :

Chapter 5: The Care Experience

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

Neither agree or disagree

If desired, please briefly explain your answer :

The ALC welcomes the focus on improving the care experience and outcomes for children leaving the care system. When care works well, it has the capacity to transform children's lives. Too often, despite the commitment of those working within the system, care is failing vulnerable children. Research has highlighted the poor trajectory for many care leavers, including for their education, careers, housing, physical and mental health, and life expectancy. In too many cases, care is not breaking the intergenerational cycle of child protection concerns and a disproportionate number of parents in care proceedings are care experienced themselves. This is a consequence of intervention coming too late, of instability in care, and insufficient long-term holistic support to empower young people to recover from trauma and build independent lives. Resources are needed to provide wraparound support to looked after children, including therapy, mentoring, independent living skills and careers advice. A concerted effort is needed to address the stigma that young people feel about being in care.

The lack of suitable accommodation for children in care is a crisis, which requires structural reform. While it is hoped that improvements to early help provision and kinship care will reduce the demand for state accommodation, there will always be a need foster care and residential accommodation, this

is particularly so for specialist care such as therapeutic foster carers and units to support children with the most complex needs. The ALC welcomes the review addressing the obvious concerns around commissioning of these services as well as considering how more support can be put in place to ensure these settings are equipped with properly trained staff and to bolster the recruitment of foster carers.

The ALC endorses the strategy's prioritisation of stability and long term relationships. Instability – changes of carers, disrupted placements and social workers – has multiple consequences. Each time a child is moved to a placement in a new geographical area, they have to meet new key workers, teachers, therapists and friends. People who do not know them or their needs. Children need stability. Care cannot provide permanence but the system should strive to provide children with long term, loving homes which enable them to maintain links to their families and friendship networks. Stability is not limited to placements. A positive long term relationship with a social worker can be hugely important in helping children recover from their experiences and achieve their potential. The ALC would encourage consideration for local authorities having the resources for care leavers to maintain links with their allocated social worker, post 18, if they wish to do so, to avoid the abrupt change post-18.

The importance of family relationships, including sibling relationships which provide a lifelong bond, cannot be overstated. Local authorities need to be creative in supporting contact. This should not be limited to parents. Contact with a safe family member or connected person can provide a crucial link for children, supporting their identity needs and their understanding of their life story. The ALC supports the commitment to placing siblings together and to placing children locally, wherever possible.

The voices of children in care and care leavers must be heard if changes are going to be successful. The role of advocates and IROs needs review. Where they work well, they provide an important and independent voice for children. Too often, there is a perceived lack of independence and a lack of rigorous scrutiny and monitoring of the care plan. A care system that is good enough for children should provide robust mechanisms for children themselves to challenge perceived failures in the care they are being provided.

The ALC agrees with the 6 key missions set to address the challenges in the care system. The missions are ambitious. While they do not address all the multifaceted challenges in the system, they mark a thoughtful and timely step towards the goal of ensuring that all children in care have stable loving homes close to their family, friends, and communities. The ALC agrees that this goal is central to supporting children and young people's sense of identity, self-esteem, and individuality.

Children in care, at one level, need what all children need. It is paramount that they should not lack in any of their basic rights and entitlements simply because of the circumstances not of their making.

The 6 key missions establish a clear vision. All children and young people in care and on leaving care should have access to stable, secure and loving homes, allowing them to reach their full potential in all aspects of their individual lives. The ALC considers that it is incumbent on the government to ensure that these children and young people are also provided with adequate support and care in the short term, while structural changes are yet to embed, to ensure that there is no delay in providing children with the help they need. As identified in the consultation, listening to the voices of children in care and care leavers about what they consider to be the best way to address the challenges in the system will be crucial.

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

Neither agree nor disagree

3 What would you see as the advantages or disadvantages of formally recognising a lifelong bond in law?

Please comment below :

Where a child has established a meaningful relationship with their alternative carers, they may wish to cement that legally. Parental relationships do not end at 17 or 18, they continue for the rest of the child's life. The best foster carers do offer children a positive experience of being parented and the ALC would support efforts to ensure that looked after children feel claimed and supported throughout their lives.

It is unclear, however, what is proposed by a lifelong legal bond, what status it would have and the impact upon existing family legal relationships. This would require careful management and there is potential for children to feel conflicted or disloyal to birth families.

Further detailed proposals are needed to define the scope of such legal framework and establish what the implications would be. For example, if the legal bond were to establish legal parenthood, given that a child can only have two legal parents what effect would it have on a child or young person's bond with their birth parents? If it were to establish parental responsibility, although there is no statutory limit on how many people can hold parental responsibility for a child, parental responsibility will usually come to an end once a child reaches 18 years of age. It would not, therefore, establish lifelong legal relationship. While the child is under 18, there would need to be careful management of the corporate parenting responsibilities given that the local authority exercises parental responsibility under the care order. The financial implications for the carer and the child need to be explored, including entitlement to leaving care support and inheritance. The ALC recommends that there is further exploration and consultation on the scope of and demand for a new lifelong guardianship order (or other form of order). It will be essential to consult looked after children and care experienced young people within that process.

The ALC acknowledges the benefits to adopted children of feeling claimed and establishing lifelong legal and psychological links. Special guardianship orders may offer permanence, stability and a sense of belonging without severing family links. As is good practice now, long term foster carers should be encouraged to apply for special guardianship orders. The barriers to foster carers making such applications – which often relate to concerns about financial support; access to services such as therapy; and professionals support, such as in managing contact arrangements – need to be addressed.

It is unclear whether a lifelong bond needs to be established legally. The importance for the child is, arguably, about the quality of the personal connection. It is love and support which enables a young person to thrive, rather than a legal framework. The young person and carer can be supported to maintain the relationship informally. Anecdotally, some relationships do endure and the ALC would support those relationships being encouraged and supported.

Giving legal recognition to a lifelong bond has the advantages of:

- Giving a child or young person a sense of belonging and identity;
- Acting to fill the void that has been caused by separation from families;
- Providing the child or young person with an ongoing positive support network and lasting relationships upon which they can depend;
- Providing the child or young person with some security in the attachments they have developed which may foster their ability to go on and develop and sustain further relationships.

The ALC is concerned about how such a lifelong legal bond would be defined as in our response to question 19. A further disadvantage could also be the

fact that things change as people grow older, it is expected that their wishes for their individual lives will change and looking to the future they may not want to be tied to a legal framework. In the same way, the establishment of such a lifelong bond requires a two-way consensus i.e., between a child and their foster carer, again who may not wish to be tied to a legal order. What then would be the mechanism in place to discharge such a legally formalised bond? The purpose of the lifelong bond having legal status would need to be clearly set out. Apart from the feeling of security it provides, it is difficult to see what difference giving legal status to the lifelong bond would have.

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

Please comment below:

see below in answer to question 5

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

Please comment below:

The ALC endorses the vision for Regional Care Cooperatives. We note the successes in establishing regional adoption agencies. The pooling not only of financial resources but social work talent has had positive benefits for children. Placement finding requires expertise and should be afforded the same priority as family finding to ensure that there is a meaningful placement search (rather than blanket email requests); careful matching of children to placements that can meet their needs; and co-working between allocated social worker and placement finding social workers to ensure that both the child's profile and the placement search are tailored.

Regional care cooperatives will require multiagency working, in particular with input from health and education. The threshold for CAMHS beds is extremely high and there is, rightly, a concern to avoid young people becoming institutionalised, although where this need is identified beds must be available to ensure that during a period of crisis a child or young person can be assured the best care. A multidisciplinary approach is needed for residential schools and specialist placements to meet the needs children with complex presentations, including neurodiversity and emotional difficulties. The lack of suitable accommodation for children is a recognised crisis for all children facing the need to be accommodated and there is an urgent need to provide suitable care for them. The ALC is concerned to ensure that the quality of placements remains at a high standard and sufficient to meet the global needs of children in care. The driver must be to secure better experiences and better outcomes for looked after children so that they have stable homes, are closer to their family links and have their holistic needs met.

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

Please comment below:

The ALC, whose membership comprises of specialist children lawyers, are not best placed to address these questions. However, we offer the following observations:

- The outcomes for care leavers, including over the longer term, should be monitored and form part of the Ofsted monitoring of both local authorities and residential placements.
- Better training of staff and communication is needed to understand the needs of care leavers, to engage with them and to ensure that services are adapted to promote accessibility.
- Improved multiagency working is needed in particular between the police and local authorities. The police should be encouraged to adopt a child centred and trauma informed approach. This should focus on harm reduction, diverting children from the criminal justice system towards restorative justice resolutions where possible.
- We note the positive outcomes in Scotland by extending corporate parenting. We endorse efforts to improve access to educational opportunities post-18, so that young people can access further education, apprenticeships and tailored career advice. Extension may not just be limited to those working in the third sector. It may not be appropriate to extend formal corporate parenting principles to private bodies but there are sectors where there needs to be far more consideration of the needs of looked after children and care leavers. These include: utilities providers (including broadband) and housing associations. We note the prevalence of homelessness among young care leavers who need greater assistance to maintain tenancies, such as budgeting, and a supportive rather than punitive approach.
- As highlighted above, the ALC is concerned about access to therapy. Therapeutic resources for children are scarce; CAMHS is over stretched. Access is particularly important for care leavers who risk becoming involved in care proceedings when they become parents themselves. Health trusts and mental health trusts should have a particular responsibility to ensure priority access to services for care leavers.

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

Please comment below:

see above

8 Do you have any further feedback on the proposals made in the 6 missions of this chapter?

Please comment below:

The ALC makes the following observations:

- In terms of mission one, direct work with young people and a public information campaign are needed to address the negative stereotypes and stigma associated with living in care and to promote a more positive outlook for the children themselves and their family. Often, it is a reluctance to accept the status of being a child living in care that creates a barrier in children and young people affecting the stability of placements, their sense of self-worth and self-esteem. Family support for placements, giving children the emotional permission to settle, is also important.
- In terms of mission five, we consider that there may be benefit in providing obligatory tailored work with care leavers around budgeting/finance etc.

Care leaver poverty and homelessness is an issue that needs to be properly addressed and intervention should be made as early on as possible.

Chapter 6: Workforce

1 Overall, to what extent do you agree that our proposals on the social worker workforce address the challenges in the system?

Agree

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

Please comment below:

Creative and diverse recruitment practices to attract local social work professionals, including those from non-traditional backgrounds. Members have experience of local authorities recruitment from young persons within their local area. This resulted, anecdotally, in the recruitment of some excellent social work practitioners who offered skilled, dedicated, and culturally aware work. They were uniquely equipped to engage local families, to understand and to meet local needs.

The ALC welcomes the focus on building a strong and sustainable workforce where social workers are highly trained, their skills are recognised and their workloads manageable. Social workers need to be empowered to make child focused decisions and have the resources, including time, to work directly with children and families. In particular, local authority managers need to monitor caseloads and prioritise children having consistency of workers to allow for effective relationships to be established.

The sufficiency of the work force has a significant impact upon children and families. The turnover of professionals allows children to fall through the gaps. At best, support is delayed or insufficient. At worst, children are left in situations where they suffer significant harm.

The ALC welcomes the review of the reliance upon agency staff and exploration of the feasibility of local staff banks to pool resources. The use of agency staff, while necessary at times, needs reform. Reasonable notice periods are essential. We have experience of agency workers leaving at short or with no notice. Children and families are let down – there is no proper handover, notes may not be written up, assessments or statements may be incomplete. This causes delay; children have to repeat their views and may resent having to get to know yet another professional who they perceive does not care. The incoming worker is set up to fail and there are increased barriers to effective family engagement. Local authorities should not hesitate to report poor practice to the Social Work England.

Improving recruitment is a long term objective. The ALC welcomes the commitment to recruitment and training over the long term. It is disheartening to hear of local authorities engaged in overseas recruiting trips due to the paucity of social work professionals locally. Social work needs better visibility and an improved public profile. Too often, social workers are the focus of media criticism. It is rare that they are recognised for their professional skills and expertise. Social workers add value, they keep children safe. The work they do is incredibly important – it is emotionally charged and complex. The wellbeing of social workers needs attention. There is a high risk of burn out due to the challenging nature of the work, particularly in front line child protection, as well as caseloads. The ALC agrees that better technology, including case recording systems and information management, will free up social workers to spend more time working directly with children, which is likely to improve morale.

We should champion their work publicly and ensure that social work careers are seen as attractive and valued. The corollary is to ensure that high standards are applied. Training, including consideration of regional models so best practice can be shared with neighbouring boroughs rather than siloed, is essential. Each child protection team should have a breadth of experience and training so junior social workers can be mentored. As a matter of course, social workers need to be trained in attachment, including adult attachment, to inform their approach to parents; and have training on working with and assessing parents with additional needs such as learning difficulties. At least one member of each team should have ABE training, for example, to ensure children making allegations are properly supported. Social workers should also have access to multidisciplinary expertise within the local authority, such as psychologists, with close links to CAMHS, so that direct work with children is trauma informed.

Poor practice should not be tolerated. Social workers need robust training and supervision, and effective guidance from managers when dealing with complex cases. We have experience of poor decision making resulting from social workers being allocated to cases when they have inadequate experience and are not properly supported by management. Strengthening training, insistence upon front line practice and the development of the new Child Protection Lead Practitioner role will support the development of a capable work force.

The ALC observes that achieving the workforce goals will require significant financial resources. Local authorities are likely to require central government investment.

Chapter 7: System Enablers

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

Please comment below:

From the perspective of lawyers that represent the interests of children, there is much to commend in the proposals outlined in the consultation document.

Some caution is required with a system that is reliant on dashboards for fear that it provides too strong an incentive to make progress in some areas of practice with inadvertent adverse consequences for other areas. A recent example of this is the recent focus on the necessity for placements by local authorities for children and young people to be in registered accommodation. There is much to commend this policy goal. A significant effort went into understanding more about these cases – most especially where they also involved depriving young people of their liberty. However, there is a growing unease that this led to pressure for the creation of improvised individual packages of care around young people that was exceptionally expensive and left the young people isolated from social contact with any young people their age – arrangements that last, in some cases, for years.

On a larger scale this can also be seen with a system that placed great weight on the outcome of inspections by Ofsted. If an area is deemed to have inadequate services for children's social care, that local authority department receives significant attention and resources and staff are recruited from neighbouring authorities to effect change – usually at the expense of those same neighbouring local authorities. What is required is a system that is dedicated to effecting medium and long-term beneficial change.

The stress in the consultation on using the expertise of those with lived experience – whether as recipients of Family Help, or by being involved in court

proceedings as a young person or parent or as a care leaver, adopter or special guardian – is to be welcomed. It needs to be stressed that this process is actually hard to do well with the necessity for those who have lived experience to be properly supported in the preparation, execution and aftermath of such exercises. Panels also need to be constantly refreshed. The growing use by local authorities of parent mentors – drawing from much good practice in the United States is to be commended. This is an example of the way that many local authorities have been able to innovate in the delivery of services despite the intense budgetary constraints of the last 15 years. Frequently this has drawn on academic research and networks of professionals that cross local authority boundaries.

It is important, that in the development of new initiatives to effect change that established practice – often the product of earlier attempts to bring about reform are not forgotten. An example might be Principal Social Workers who play a prominent role in ensuring the continuing professional development of services and the practitioners who work in them. They have also developed a network of PSWs, nationally and regionally in conjunction with Research in Practice.

The proposal to promote continuous learning and reflection (“learning circles”) is welcomed by the ALC. In the family justice system, the most obvious site for this at a local level would be Local Family Justice Boards – who already provide some training. It is important to stress however that they have no resources beyond the volunteers who choose to sit on the Boards or their committees. They would be much more effective if they could have (small) allocations of funds to allow them to create and maintain websites. Nuffield FJO support a network of LFJB chairs. This is an initiative that deserved wider support.

In Sussex there is already a “Family Justice Quality Circle” which has been in operation since November 2017. It is an autonomous multi-disciplinary initiative with the aim of identifying the most effective or promising practices and bringing about beneficial change in the family justice system. The group works very closely with Sussex University and the Nuffield FJO and disseminates and discusses research (in consultation with its own parent and young people’s group) and makes recommendations for concrete changes to local practice to its LFJB. The ALC have worked with them on issues around the voice of the child in proceedings. This is an initiative which might be replicated elsewhere.

There is also room to consider the evaluation of Schwartz Rounds in children’s social care. This might require an adjustment of existing practice directions about the sharing of information (within the Family Procedure Rules 2010 Part 12).

The Nuffield Family Justice Observatory has already undertaken significant work about understanding and learning from data. It is starting to make a real impact across the system. This is, in part, because they have given careful thought to how data is presented and disseminated – their website and webinars being important tools in this regard.

The morale of the existing workforce in children’s social care is of critical importance – most especially if experienced personnel are to be retained. It is a critical indicator of the resilience of the system as a whole. The wellbeing of practitioners should be one of the subsidiary policy goals in any process of reform.

The ALC believe that some caution may be required about practice guides.

An illustration of this may be gleaned by considering the current plethora of instruments that are deployed so as to give direction to children’s social care. This includes Statutes, Statutory Instruments, Statutory Guidance (such as working together), caselaw and guidance issued by the President of the Family Division and the Family Justice Council. It is not certain what the status of Practice Guides would be, how topics were to be selected to be covered and whether draft guidance would be produced in the first instance to allow others to comment on the same.

In the opinion of the ALC, allowing a process of consultation and proceeding transparently would increase the authority and impact of any resulting guidance. An example of practice guidance that has effected change is the Harm Report on domestic abuse in private law proceedings in which the ALC played a prominent role.

One additional problem that would need to be considered is the danger that practice guidance is not updated. This would mean that it would not reflect the latest research and learning and may actually hinder progress. It is appreciated that the consultation is premised on a series of commitments about maintaining such publications – but the history of the updates of “Working Together” and of the statutory adoption guidance shows that this is difficult to maintain.

Chapter 8: Delivery

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

Please comment below:

To bring about the delivery of reform there needs to be an explicit stress on:

- Human rights;
- Trauma informed practice;
- The importance of equality/the necessity to eliminate discriminatory practices.

The stress that the consultation places of keeping families together where possible and keeping children in their family network as a priority is welcome. A crucial reinforcement for this, in the opinion of the ALC, are the rights of children pursuant to Article 8 in the European Convention of Human Rights. Additionally, Articles 2, 3, 5, 6 and 14 are of critical importance.

The recognition of the importance of Articles 3 and 5 by the Courts and public authorities has raised the profile of the cohort of young people who are looked after by Local Authorities and are deprived of their liberty.

Similarly, Article 2 has been pivotal in ensuring a thorough review of the wider circumstances of the deaths of looked after children – or those children who are at risk of harm and are living with their parents (using the wider definition used in the consultation). There needs to be a stress on ensuring that lessons for the system that are identified by Coroners in inquests or by others in homicide reviews and those undertaken by Local Safeguarding Boards are properly disseminated and converted into concrete reform.

There is a growing understanding of the necessity for trauma-informed practice. The lessons of research in this area must be incorporated into the working of the children’s social care sector and the family justice system.

The consultation rightly stresses the importance of avoiding discrimination in the working practices of those who work in children’s social care. The ALC would say that the experiences of children and young people with disabilities and their families and carers would reinforce the necessity for this to be at the heart of every initiative to effect beneficial change in the system. Of particular importance is to eliminate discriminatory practices at all levels. The work of the Nuffield Family Justice Observatory in consultation with Cafcass on learning about what less favourable treatment can be measured in the family justice system is vital.

The ambition of the proposals is to be welcomed with its stress on seeking to provide high quality assistance at an earlier stage and reduce the necessity for bringing so many applications to court. This is coming about at a stage where there have been restrictions on public spending since 2008 which mean

that most local authorities have scaled themselves back so that they are generally offering only an emergency service. Many of the preventive services which assist families have been cut. This is compounded by similarly stretched resources in mental health services, including CAMHS, and health, including drug services. The closure of resources during the pandemic has exacerbated the barriers to accessing support.

It is appreciated that the demands on government are significant with money required for a series of competing priorities. However, it is unlikely that children's social care can be remodelled with an additional £200, over two years.

Furthermore, the ALC would say that from its experience of dealing with the most difficult and intractable cases before the court that one significant problem is the underfunding of child and adolescent mental health services. This adds greatly to the stress for the rest of children's social care.

Impact Assessments (Equalities and Child Rights)

1 Do you have any overall comments about the potential impact, whether positive or negative, of our proposed changes on those who share protected characteristics under the Equality Act 2010 that we have not identified?

Please comment below:

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

Please comment below:

Evaluation of this consultation

1 Please help us to improve our consultations by answering the question below (responses to this question will not be published)

EV1 - How satisfied were you with this consultation:

Very satisfied

Please provide any further feedback you may have: