

# **“Give us a choice.”**

## **Response to Martin Narey’s review of children’s residential care by The Who Cares? Trust**

### **Introduction**

The Who Cares? Trust is the leading national charity for children in care in England. We are a voice and a champion for children and young people living in care and young care leavers.

Our submission is based on evidence from our research and our work supporting children in care and young care leavers, as well as evidence from meetings of the APPG for Looked After Children and Care Leavers, which we organise. We also ran a focus group with young people to inform this response, and the quotes used here come from that group.

The terms of reference of this review include a definition of residential care that extends beyond regulated children’s homes. Unless stated, we are referring to regulated children’s homes in this submission as we have greater knowledge of that form of provision.

The past two years have seen significant change in the sector, with the move from National Minimum Standards to Quality Standards in April 2015, as well as the new regulatory framework. The Children’s Homes Quality Standards Partnership project (a partnership between The Who Cares? Trust and Action for Children, delivering a DfE tender) which is supporting the residential sector in its implementation of the Children’s Homes Regulations 2015 is in the final six months of delivery.

We therefore urge that before any significant further reforms are introduced following this review, enough time is given for the recent changes to bed in and take effect.

Through our work generally and specifically as part of the Children’s Homes Quality Standards Partnership, we are aware of excellent practice in the sector and we meet young people who think of their children’s home as their home in every respect and are happy and well cared for there. However, this submission reflects what we want to see all homes deliver.

### **Residential care**

Local authorities should consider children’s homes as a viable placement and permanency option from the first time that a child enters the care system. For some children, this will be the right and best place for them to live.

This may be because the child needs a therapeutic residential environment, and where this is assessed to be the case, the professionals around the child must do everything in their power to ensure that excellent provision of this type is found and the child placed as soon as possible. We hear too often of social workers knowing that this is the right option for a child but being told that a cheaper placement option must be found (which to no one’s surprise turns out not to meet the child’s needs and breaks down).

It may also be the right place for a child to live because a residential placement offers a different style of living environment with more freedom and ‘space to breathe’ than a foster placement where a young person has to fit into a family’s way of life and meet foster carers’ expectations of them and their behaviour. Some young people report preferring residential care to foster care because they don’t want a new family as they still have close ties and emotional connections to their

birth family. For other young people, living in a family is the last things they want because their experience of 'family' has been traumatic.

Another advantage of children's homes is their versatility: they can accommodate sibling groups for example, and can offer opportunities – for example, looking after animals, helping tend a garden, a choice of adults and other young people to bond with - that children may not be able to experience in a foster home.

Young people who are unable to live with their birth families need a care system that offers choice and that has a range of provision – one size does not fit all. Concern in past decades about institutional abuse and the falling out of fashion of residential care have led to a situation where most local authorities no longer own and run children's homes. We hope that this review will look at the way residential care is commissioned with a view to reducing distant placements that are not in the child's best interests - given that around one half of children in residential care are in children's homes which are not in their own local authority, with many placed a considerable distance away from family and friends, entailing disruption to schooling and the shattering of important relationships.

*“Don't treat every child in care like the same child. Let us say what we want. Some young people want a family unit, some don't. That should be heard otherwise placements will break down. Give us a choice.”*

Much can be learnt from Europe, particularly Scandinavia, and how they provide care for children living in children's homes using a social pedagogic model. Although the context is different in England in many ways, the pilots of this way of working in England indicated that there were important lessons to be learned about the way staff and children live together and form relationships, about the level of qualification and training of staff and about the differing approaches to risk and the culture this can create in a children's home. We would urge that the findings of these pilots are revisited and that further consideration is given to what we can learn from the Scandinavian approach to residential care.

Tinkering around the edges of residential care is not good enough. If the system is found not to work, the system must be reformed. This must include how placements are commissioned, how placement decisions are made and an increase in the status of both residential care as a placement and career choice.

When we are reviewing and discussing residential care, we are not just talking about placements, we are talking about children's childhoods and futures. The state has intervened in their life in the most extreme way possible, and these children need the state to be the best parent it can be.

### **A placement that meets a child's needs, for as long as they need**

We don't believe that it is possible to define who, or which group of children in care residential care is best suited for, as it will depend on each child's individual needs.

*“Don't assume that foster care is always the best option, because it just wasn't for me!”*

We believe that every child should be living in the placement that best meets their needs, and for many children, the right placement will be a children's home.

However, despite residential care being the best placement for many, children in children's homes often end up there after a litany of failed foster placements, with a residential placement at the top of the ladder of escalation (the 'last resort' often referred to). We have met young people who have had to fight to be placed in a residential home. We also hear of young people who would flourish in a children's home, but do not because they are told that the placement is very expensive. Consequently, they struggle to settle and build relationships because they have a fear of being moved. When we talk about residential placements, we are talking about homes in which children live, and no child should be worried that there is not the money for them to live in their own home or have to fight to be able to stay in their home. This is the antithesis of stability – both physical and emotional.

According to the Department for Education's 2014 Children's Homes Data Pack, 18% of children's homes placements which ceased in 2012-13 for children aged 10 and over lasted longer than a year, with 69% lasting six months or less.<sup>1</sup> Given that numerous reviews, research reports and policy documents (including the Care Inquiry<sup>2</sup>) highlight the importance of stability and relationships for the outcomes of children in care, we can conclude that short placements are not conducive to successful outcomes for children who live in residential care. Some placements are terminated after a short time because the home is a therapeutic home which delivered a time specific intervention. However other placements end after a short time because the break down has been facilitated by a system that doesn't work. Placements break down because a young person's needs have not been met in the length of time it took for them to be placed in a children's home and as such the home is now unable to meet their needs, whereas it might have been able to, had it been the first placement that the young person had. In addition, some placements are ended after a short time (particularly when a young person is 16 or 17) because the placement is expensive, and young people are encouraged to leave care or move to cheaper, more independent (ie less supported and often less safe) options.

### **Improving outcomes in children's homes**

Outcomes for children in care are closely linked to strong, positive relationships and stability of placements. Ensuring that young people living in children's homes are able to enjoy both strong, positive relationships and stable placements is crucial to helping their outcomes to improve.

#### Staffing

Just as in foster care, there is variability in the quality of the staff who work in children's homes. One of the key messages from young people that we hear is that staff must care about the young people and spend time with them.

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<sup>1</sup> Department for Education, *Children's Homes Data Pack*, London: Department for Education, 2014, slide 8 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/388701/Childrens\\_Homes\\_data\\_pack\\_Dec\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/388701/Childrens_Homes_data_pack_Dec_2014.pdf)

<sup>2</sup> The Care Inquiry, *Making not breaking, findings and recommendations of The Care Inquiry*, London: The Care Inquiry, 2013.

Young people have told us about the importance of good communication between staff – particularly between shifts and when staff members leave. Young people have experienced situations where they have disclosed problems to their key workers but when their key workers are not working, there are no staff who know about the issues and can support them. Young people have said that they would like to be able to choose who their key workers are, with proper assessments to match them, rather than matching on superficial characteristics, such as being of the same gender or ethnicity.

*“The relationships between staff and young people needs to be strong. There should be a good assessment to match the young person with their keyworker. Match up on things they like, how they work together, not just on the colour of their skin.”*

Young people have also told us that they have had experiences where agency staff are working in the children’s home, but the turnover of staff is too great and does not allow them to develop relationships. Young people report the agency staff staying in the office and doing the minimum to ensure the health and safety of the home, rather than being out of the office and spending time with the young people.

Young people also report experiencing or witnessing staff showing favouritism towards certain children in the home. They tell us that while they understand that some people get on better with others, it should not be acceptable for staff to have favourites, or for children to feel disliked or judged by staff. Some young people have told us about feeling judged by staff who have read their files, but have not taken the time to get to know the young people in person, or to understand the circumstances that may have led to previous experiences or negative behaviour in the young person’s past.

*“Staff should get really thorough training, especially in secure children’s homes. Training helps make up for what you don’t know.”*

The quality of the staff who work in children’s homes is utterly material to the outcomes of children who live there. Staff need to be well qualified to work with the children and to have access to regular and high quality training and supervision to ensure that they are well equipped and supported to do their jobs. Staff must be well trained, and must have both a good level of knowledge of theory and of relevant techniques. They must have sufficient knowledge about theory to understand about children’s behaviour, particularly the impact that prior experiences, such as abuse and neglect, can have on behaviour, but also sufficient knowledge of techniques that will enable them to deal with a variety of behaviours, such as de-escalation techniques and restorative justice. But staff in children’s homes need to know more than just how to manage behaviour: they need to understand - and be able to put into practice - how to build relationships with young people and care for them and be ambitious for them.

### Children’s homes as homes

Children’s homes are exactly that, homes where children live, and how they look and feel inside should reflect that. While we recognise that homes may need to have offices and staff bedrooms within the building, children’s homes should reflect an ordinary home as much as possible.

Unfortunately we do not always hear of this being the case, with many young people telling us of experiences of living in a home that has an institutional feel to it. We hear of homes where the kitchen is locked at night, where windows are locked and alarms put on doors to bedrooms. We also

hear from young people about other examples, such as young people's rooms being searched in a punitive manner, not being able to use the internet in their bedrooms and not being able to have their friends to stay.

Children should feel able to bring their friends home, without feeling like where they live will make them different, or will make other children not want to be friends with them. Being a child is about learning to take risks and learning skills that will help them in adulthood. Being prevented from accessing or using the kitchen will not prepare young people for adult life. Similarly, being restricted from using the internet in their bedrooms does not allow young people the space to do their homework in their bedrooms if they choose, to access social media like their peers, and to learn about the benefits and risks of the internet.

### Supporting children as their parents – support for education and their future

Young people often tell us that they don't feel that education was prioritised in their children's homes, with some young people saying that they weren't helped with homework and supported to make choices about GCSEs and post-16 options. Education is pivotal to a child's success, and ensuring that they are studying the right subjects and are supported to succeed is critical. As primary carers for the children living in the home, the keyworkers should be responsible for ensuring that children are achieving at school.

*"I wish someone had sat down with me and explained the impact of the subjects I chose. No-one did that. I was lost. I changed courses a lot."*

We have also heard anecdotally of some children's homes not providing quiet places for homework. While it is unrealistic to expect homes to have a dedicated study space, young people should be able to work quietly on their homework somewhere else in their home other than their bedroom, for example being able to work at the kitchen table. Young people should also be able to expect a degree of supervision and support with their homework from those caring for them, as good parents would provide. Restricted access to the internet is also concerning, given that most of the resources needed for homework are internet-based, either through virtual learning environments or requiring the internet for research purposes. Staff need to feel confident in their ability to support young people with their homework, or at the very least, confident and proactive about ensuring that the children in their home are able to access high quality support elsewhere.

Young people have also talked about the importance of staff from the home going to parent/teacher evenings and other school events. However, they also say that it should be a consistent person and something that is discussed and agreed with the child. They have said that having lots of different people come, or people who are a different ethnicity coming, can prompt more questions and make the young person stand out.

Education and preparation for the future does not all happen at school, and children's homes should provide access to opportunities that would be likely to be provided by good parents to 16, 17 and 18 year olds, such as work experience, part time jobs, learning to drive and have access to other opportunities that will help them to be healthy, happy adults. Where the home is unable to offer these experiences themselves, they should be confident and proactive about seeking and securing the necessary support from the local authority.

### Reporting crime, going missing from the home, and taking risks

We often hear about police being called to minor incidents in children's homes, such as disagreements among children or damage being done to the home. Given that this is not what would be done in a family home, we believe these are too many examples of disproportionate responses which result in children being unfairly criminalised. In October 2015, the Children and Young People's lead at the National Police Chiefs Council (NPCC) said local police services and children's homes providers must work together to reduce the number of times officers are called out for minor incidents.

Children going missing can be a significant challenge for children homes. Young people run away from children's homes for a number of reasons, including returning to be with friends and families, but when they do run away, many are vulnerable to sexual exploitation and unsafe relationships. Young people told the APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers joint inquiry into children that go missing from care that if they were listened to more and their problems not dismissed, they would be less likely to run away. The inquiry also heard that the children's homes that are like family homes have much lower levels of missing children.<sup>3</sup>

However, in some cases, going missing can provoke a disproportionate response from those responsible in the home when children are not missing, but are late returning home. We recognise that homes are responsible for the safety of children in care, however staff working in homes should be able to determine when young people are demonstrating ordinary adolescent behaviours (such as testing the boundaries of authority by returning home late) and manage them appropriately. Similarly, homes should be supportive of other risk-taking behaviours and manage them in an authoritative rather than authoritarian way (eg. banning, confiscating, restricting privileges or liberty).

Guidance states that children should receive a return interview when they return home, with someone independent, but we hear that this is not always done, or is not done with an adult that young people want to talk to. Return interviews (which should be seen as meaningful conversations rather than interrogations) are important because they should offer an insight into how the young person is feeling and what is happening in their life – although if strong relationships were already in place these things should not perhaps come as news, and fewer young people might feel the need to run away in the first place.

### Leaving care and Staying Put

While not all children in care have to leave children's homes at the age of 16, a significant majority do leave before their 18<sup>th</sup> birthday, either to independent or semi-independent living, which all too often means that young people leave their children's home ill-prepared and unready to live independently (from both a practical and an emotional perspective). Homes should very pro-actively

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<sup>3</sup> The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, *Report from the joint inquiry into children who go missing from care*, London: The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, 2012  
[https://www.childrensociety.org.uk/sites/default/files/tcs/u32/joint\\_appg\\_inquiry\\_-\\_report...pdf](https://www.childrensociety.org.uk/sites/default/files/tcs/u32/joint_appg_inquiry_-_report...pdf)

encourage and teach independent living skills for all young people, regardless of age or stage, as good parents do for their own children.

Currently, Staying Put only applies to foster placements, and does not include young people who are living in a children's home. We believe very strongly, as we have often stated, that this option should extend to all young people in care, no matter where they are living when they leave care. We recognise the challenges that this poses for the sector, not least the financial implications for local authorities. There are safeguarding issues to be considered (children we consulted felt there were significant issues around older young people with more adult lifestyles sharing with children). There is no straightforward equivalence between foster care and residential care and the process of applying Staying Put in residential care will throw up new issues and complexities, some foreseen, others perhaps not. But we do not believe that any of this is sufficient justification for Staying Put not to be extended. There are different models of enabling Staying Put (such as staying within the home itself, or living in a separate building on the same piece of land as the children's home) that should mean that all young people who want to, are able to stay put and can benefit from the stability that it offers.

We recognise that remaining past 18 in a children's home (or indeed a foster home) is not something that all young people want, for a variety of reasons. In those situations children's homes should look at how they can support those young people, through a staying close arrangement - demonstrating that while their relationship has changed, it still endures and remains strong. Good parents do this by inviting their children to return for dinner, or a cup of tea and to call regularly for a chat. The home should be able to demonstrate to the young people that they are still cared about. This is very important given that young people tell us that they often have no other good relationships with adults beyond their primary carer, and so have no other relationships to support them when they leave the children's home. While a care leaver should have a personal adviser, these adults too often do not have the capacity (and indeed the role) to maintain this informal, caring relationship that is so crucial.

We very much hope that this review will look at how a duty can be placed upon local authorities to extend the option to stay put until 21 to children in children's homes, taking on board the findings of the report that *The Who Cares?* Trust produced with other charities for DfE, scoping out the viability and costs of various implementation models.

But for young people in residential care to want to stay put, and to fully benefit from the option, they need to have been in placement for a long and stable period of time (the home needs to feel like their home), and at the point of leaving care. This will require local authorities, as stated above, to consider children's homes as a viable placement and permanency option from the first time that a child enters the care system.

### **Are young people in the right place?**

*"You need to open them up again, to give children the opportunity to be in residential. Children enjoy being in residential care."*

The independent call for evidence asks whether there are better alternatives for some children who are currently in residential care. This question is bigger than a review of residential care, as it needs to include a review of how placement decisions are made, how placements are monitored and supported and the availability and sufficiency of other alternatives. We would stress that residential

placements are homes for children in every sense, and that this is fully taken into account by this review.

**Recommendations:**

Children's homes are the best placements for many young people, and more needs to be done to ensure that residential care is considered as an equally valid and viable placement option, along with foster care and kinship care.

Children should not feel like commodities and that they are only able to stay in their home for a limited period because it is expensive. Money should not be allowed to affect placement decisions to the extent that it means that children cannot feel safe and settled.

Therefore:

- A commission should be set up to review how placements decisions are made and commissioned, including looking at a central commissioning process or monitoring body, carried out by one single body for residential placements.
- Greater focus and scrutiny should be given to placement decisions by Ofsted and Independent Reviewing Officers. Local authorities should be able to demonstrate why each placement for a child is the right one for them and should actively be held to account for those decisions.

Staff in children's homes must be the best that they can be. Staff need to be well qualified to work with children, and to have access to regular and high quality training and supervision to ensure that they are well supported to do their jobs.

Therefore:

- A body should be created to be responsible for the professionalisation and support of staff working in children's homes.
- Virtual schools and children's homes work must closely together to ensure that staff in the children's home feel confident to support with education and have aspirations for children in the home.
- Staff should feel confident about managing risk and minor incidents within the home to avoid unnecessary criminalisation of young people. Staff should work with their local police force to develop good relationships, so children feel that they are able to turn to the police for help.

There is excellent practice in Europe, particularly in Scandinavia. Taking cultural and country-specific differences into account, we should learn from what works and doesn't work in countries where residential care is viewed as a norm for young people who cannot live with their birth families and where working in residential care is seen as a good career choice.

- A review should take place into lessons learnt from the recent social pedagogy pilots and how this model of working can be best applied to children's homes across England.
- A study should take place to identify and compare best practice from Europe, with a series of recommendations about how this learning can be transferred to the English children's home sector. There has already been lots of research done in this area, but it needs to be pulled together in one single place with one body responsible for driving forward the recommendations.



All these recommendations must be enabled by financial support from Government. These children are our children. We must ensure that the care and consideration given to them is the very best it can be.