

Care Matters: transforming the lives of children and young people in care

Consultation Response Form

The closing date for this consultation is: 15
January 2007

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

Name ELENA FOWLER
Organisation (if applicable) NATIONAL YOUTH ADVOCACY SERVICE
Address: 99 – 105 ARGYLE STREET
BIRKENHEAD
WIRRAL
CH41 6AD

If you have an enquiry relating to the policy content of this consultation you can contact Helen White by email: helen.white@dfes.gsi.gov.uk or by telephone: 0870 000 2288.

If you have a query relating to the consultation process you can contact the Consultation Unit by:

Telephone: 01928 794888

Fax: 01928 794 113

e-mail: consultation.unit@dfes.gsi.gov.uk

Which of the following best describes you:

<input type="checkbox"/> Child in care (under 13)	<input type="checkbox"/> Child in care (under 18)	<input type="checkbox"/> Care leaver
<input type="checkbox"/> Foster carer	<input type="checkbox"/> Residential carer	<input checked="" type="checkbox"/> Professional working with young people
<input checked="" type="checkbox"/> Volunteer working with young people	Other	

Please Specify:

NYAS is a registered children's charity which, with more than twenty five years experience of providing advice, advocacy and representation for children. NYAS works to provide a safety net for children and young people through the provision of seamless socio-legal advice, information, independent visitors and advocacy services for children and young people aged 0 – 25, throughout England and Wales.

NYAS is contracted to provide advocates and independent visitors to children in need and in the care of local authorities, the NHS and the Youth Justice Board. NYAS' legal team provide General and Specialist Family Legal help, funded by contract with the Legal Services Commission. All NYAS staff who work with young people are therefore able to access legal advice support and assistance on behalf of young people.

NYAS provides accredited in house and external training on children's rights, advocacy and representing children. All our work is managed within a robust framework for Quality Assurance.

NYAS works to encourage and promote the participation of children and young people in the processes that shape and form their lives, supporting and coordinating the engagement of young people in their own communities, and encouraging young people's participation in service delivery and planning across the country. NYAS has a young people's consultation panel and facilitates the Young People's Forum for the Family Justice Council and CAFCASS.

Article 12 of the United Nations Convention on the Rights of the Child underpins NYAS' Mission statement. Article 12 states that

"Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".

“For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”.

If you work with children or young people in care, which best describes the organisation you work in:

<input type="checkbox"/> Local authority	<input type="checkbox"/> School	<input type="checkbox"/> Further or higher education institution
<input type="checkbox"/> Private sector organisation	<input checked="" type="checkbox"/> Voluntary and community sector organisation	<input type="checkbox"/> Health organisation
<input type="checkbox"/> Youth justice organisation	<input type="checkbox"/> Other	

Please Specify:

The National Youth Advocacy Service is a Registered Children’s Charity and a Company Limited by Guarantee.

Chapter 1: The need for reform

1 Are the elements we suggest for our 'pledge' the right ones?

X Yes	No	Not Sure
-------	----	----------

Comments:

NYAS considers the proposals in the green paper to be a positive step towards the development of a comprehensive statement of the local authorities' responsibilities and commitment to providing excellence in the care of looked after children and young people. We doubt that the production of a pledge will be effective and are concerned however that, although it will raise the profile of the issues for children in care, without regulation, funding, monitoring and accountability the pledges will become little more than rhetoric supported by empty promises.

The case for reform is well made in Chapter One and those elements identified as at the core of the pledge are, in our view, central to the improvement of services for children. It will be important to establish HOW they are to be achieved and implemented.

- To achieve a choice of placement, will require significant investment in both fostering and residential provision, to include a review of payment, employment structures and training for both foster carers and residential staff. For genuine participation in the choice of placement, children need to have real ownership of their care plans and time needs to be given to exploring options with the young person. It is sad that NYAS continues to get high numbers of calls from anxious children looked after who have been told that their placement is to be changed at very short notice, with no consultation or choice for the child, and little consideration of their needs.
- 24/7 support from a social worker is different to an out of hours contact. A consistent lead professional who is able to make a real commitment to be available to the young person throughout their time in care is highly desirable.
- Entitlement to sport and leisure activities for all children is important. It is particularly important to address the needs of girls and young women in transition. Greater positive national media exposure of women's sport would encourage girls to participate. For this to be achieved there must be provision of financial and practical support in pursuing extra curricular activities, events, out of school clubs and hobbies.

- NYAS welcomes encouragement for young people to volunteer.
- Support in accessing good quality health care as and when required is important for all young people. Older children should be allowed to choose their health practitioner or to opt out after being given the relevant information to enable them to make a choice. NYAS considers that all children should be able to have regular dental check ups. Young people who reach the age of eighteen find it difficult to obtain dental care on the NHS.
- NYAS welcomes the proposal that all children in care should have an independent advocate or independent visitor. There must be a clear understanding of the roles, and of current best practice. We are concerned by an apparent confusion within the Green Paper.
- We welcome the introduction of choice into when to move on. NYAS is frequently contacted by young people who have experienced stable foster placements but are told that these must end when they have their eighteenth birthday. NYAS considers that young people in care should have the same rights to family life as young people in their birth family, and this includes a gradual transition to adult life which meets their individual needs. We welcome proposals for a veto, and the possibility of remaining with foster carers up to the age of twenty-one.
- NYAS welcomes the encouragement of participation in a children's council to facilitate the rights of children under Article 12 UNCRC, however consideration must be given to the involvement of socially excluded children.

In addition NYAS considers there should be:

- A commitment to implementing the UNCRC as part of the Local Authorities day to day working practice.
- A commitment to promoting to all looked after children and young people the UNCRC so that they are made aware of the convention and their rights.
- Promotion and protection of the rights of children and young people to confidentiality and privacy of information.
- Support in assisting a child or young person to access information held about them.
- The right to access and obtain independent legal advice and information.

- The right to a high quality education and support in achieving educational goals.
- The right to access and obtain a bank account and independent financial advice. As an increasing number of young people start their working lives in debt, it is essential that all young people have education and training in managing their money.

2 Are there other key barriers to attainment which we should address in order to transform outcomes?

x Yes

No

Not Sure

Comments: Other barriers to attainment are:-

1. The lack of sufficient ring fenced funding and cross departmental co-ordination will seriously undermine the ability of the Government at a national level to deliver the improved services and facilities that are required to improve the life chances of children and young people in the looked after care system.
2. The current emphasis on sharing information between agencies and departments at a local level has resulted in a focus on record sharing, and a continued reduction in the expectation of professional practice and decision making by social workers. It is our view that in order to achieve improved accountability the emphasis should be on achieving improved professional social work practice which takes full account of the wishes and feelings of the child, with genuine joint working, and real communication between professionals on a need to know basis.
3. The lack of financial investment in planning, developing and supporting a wide range of placements for children including specialist placements in order to enable children and young people a proper choice of placement.
4. The IRO's should be managed by responsible independent agencies outside the Local Authority, to ensure that Care Plans are carefully monitored and that the child has ownership of the plan.
5. More intensive support should be provided, for children and young people entering Care.
6. NYAS is glad that the different needs of unaccompanied Asylum seeking children have been acknowledged. However their needs as children are

often shamefully overlooked. There should be a national and local Government commitment to ensure that young Asylum seekers are treated primarily as children, with the same rights as other children.

Chapter 2: Children on the edge of care

3 What more can be done to reassert the responsibility of parents and help them to fulfil those responsibilities?

Comments:

1. NYAS welcomes a 'whole system' approach to supporting families with the introduction of a lead professional.
2. It is NYAS' experience, through the provision of the Birmingham Signposting Service, that most parents welcome the opportunity to resolve their difficulties and do make responsible choices when they are made aware of services that are available to them. This model relies upon effective non-stigmatising multi-disciplinary and multi-agency participation and keeps the child and family at the centre of decision making, allowing them to define their problems and to decide on the most appropriate services to meet their needs. This preventative service is well used by all sections of the community including those from black and minority ethnic backgrounds.
3. NYAS has developed a model of child-focussed Family Group Conferencing and this has been found to be effective with severely entrenched families, who have not been able to reach agreement before. It is our view that there should be greater use of FGC's and that all FGC's should ensure appropriate support for the child throughout the process, through the provision of an advocate for the child. We welcome the proposals for FGC's before proceedings are started.
4. Many of the family difficulties of older children are reflected in behavioural difficulties that their family feel unable to cope with. Accessible parenting advice and support, and direct support for those young people is urgently needed.
5. NYAS welcomes the establishment of a working group to inform the long term strategy.

4 a) Do you agree that there is a need for a more systematic approach to sharing effective practice in children's services?

x	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Sure
---	-----	--------------------------	----	--------------------------	----------

Comments:

1. NYAS welcomes the development of evidence-based commissioning and the Charity believes that such an approach should underpin all service developments for children and young people in the future. However, clarity needs to be sought regarding evidence - generating methodologies to ensure that organisations are able to introduce monitoring systems which accurately capture both the nature of their work and the success or otherwise of their services. This process needs to be demonstrably sound, based upon the relevant outcome criteria from Every Child Matters, but above all, consistent and relatively simple to administer. Without a uniform approach to evidence-gathering, accepted standards for outcome measurements and a standardised generation-process, too much effort will go into data collection at the expense of service delivery.
2. We are concerned that the proposal for more professionals working with children to access information and records about them should not proceed until there has been consultation with children and young people about how this system would work and the ethics and practicalities of information sharing systems of this nature. Such information should not be widely accessible to all professionals in settings such as schools. Even for 'read only' information, access should be restricted to a designated liaison or pastoral care teacher. The Green Paper cites children saying they 'want to be free of my past' (p.11) and 'My maths teacher told the whole class I am in care' (p8), - 'they treat you differently if they know you're fostered' (p63) and there is an urgent need to consider how to maintain confidentiality and achieve effective ownership of a child's personal information, whilst still ensuring effective working between professionals.
3. Independent Reviewing Officers should be managed by external agencies in order to ensure their meaningful independence from the Local Authority.
4. Children looked after should have meaningful input to and ownership of their Care Plan. Monitoring and supporting this should be the responsibility of the independent advocate, working closely with the IRO.

5. There is a need to ensure that children and young people are involved in the process of measuring and evaluating effective good practice through participation in appraisal and inspection of services. Advocacy services should be routinely consulted during inspections of children's services, and expected to provide information about quality issues and trends as raised with the service by children.

4 b) If so, how can we ensure maximum impact in supporting evidence-informed commissioning and practice?

Comments:

1. NYAS has worked hard to develop internal processes which aim to measure the impact the Charity's services make on the lives of children and young people accessing its range of projects. Practitioners need to be supported by easy to use electronic case management systems. These should allow for the identification of the outcomes that children and young people want from any service and then subsequent progress made against meeting these outcomes monitored as the intervention progresses. To date NYAS has used issue-resolution and feedback from children and young people as the basis for outcome assessment, and is developing more detailed use of the 25 sub-outcomes contained within Every Child Matters.

2. The challenge for all organisations is to develop a coherent and user-friendly outcome identification process which accurately captures the expectations of the young person, is simple to use and helps to avoid the same outcomes being selected in all cases.

3. NYAS believes that, through the development and agreement of a uniform set of outcome measures, multiple agencies working together will be able to measure the relative impact each of them makes. In addition, such a set of outcomes would allow for benchmarking across agencies, chronological assessment and peer comparison.

5 What more can be done to support links between adult and children's services, particularly in relation to drug abuse and mental health support?

Comments:

1. More flexibility to provide for shared budgets or a pool of floating funding between children services, adult services and the Primary Care Trust.
2. Less rigid cut off rules concerning the services which can be provided according to chronological age.
3. Better planning for and provision of transitional/pathway planning/care plan arrangements when transferring a young person to adult services. The plan should be agreed and 'signed up to' by the key agencies and the young person. It should be presented at key planning/decision making meetings, including those where decisions are made about the care of a parent (e.g. Mental Health Tribunals, Sc 117 meetings).
4. For children whose parents misuse substances, there should be joint planning and family support offered when the parent first comes into treatment – so that a preventative approach can be taken to the needs of the whole family.
5. Better follow up with more regular reviews following a transfer between services to be attended by the professionals from both children and adult services until such time as it is agreed to be no longer necessary for the young person concerned.
6. A named lead professional whose responsibilities would include overseeing the transition/pathway planning process and ensuring that there is representation at all meetings of all the relevant services including the Primary Care Trust.

6 What more could be done to support family and friends carers?

Comments:

1. There needs to be an acceptance that the current practice of not providing commensurate rates of remuneration to kinship carers is not acceptable and constitutes a failure to support a placement for a child or young person that is considered to be in his or her best interest. This practice seriously undermines placements with family or friends.
2. Access to the same levels of support and training for family, friends and carers as that which Foster Carers have access to.
3. Provision of a less intrusive and intensive assessment procedure for kinship carers who have had extensive contact with a child or young person prior to becoming carers.
4. Provision of an Independent advocate to assist the child in being heard in the decision making process.
5. Greater investment and resourcing for family support services.

7 Is it right for us to work towards an increase in the number of children supported in families and, as a result, a small younger care population with more complex needs?

Yes

No

X Not Sure

Comments:

1. Children and young people should only be supported in families if the welfare and needs of the child or young person is such that it would be in the best interests of the child to have such a placement. This would need to be considered very carefully on a case by case basis so that the assessed needs of the child and young person are met by the placement and in order to allow for the views of the child in light of their age and understanding to be clearly heard and acknowledged. Where such decisions are made without recourse to the initiation of care or supervision proceedings the decision needs to be independently evaluated as the right course of action and if a child is to remain in the family a robust, sustainable support package needs to be in place to meet the needs of the child within the placement.
2. We do not consider that a younger care population necessarily has more complex needs than the older care population. Whilst it is

desirable to reduce the numbers in care, each looked after child or young person should be dealt with appropriately on a needs-assessment basis in order that they are placed appropriately. Older children may find it harder to accept alternative family placements due their previous damaging experiences, so it is important to improve the quality of family placements and family support for those returning home , in order to reduce the numbers overall.

3. We are concerned that there could be a desire to reduce the proportion of older children in care as a way of reducing the costs of providing care and leaving care costs. This is likely to result in many more older children remaining inappropriately on the edge of care when they need to be placed appropriately in care. This must not be allowed to happen. Work should be undertaken to reduce the reasons for all children entering into care.

Chapter 3: The role of the corporate parent

8 Do the proposals in this chapter add up to a sufficient strengthening of the corporate parenting role? If not what more should be done?

Yes

No

Not Sure

Comments:

It is the Local Authority that has always been the Corporate Parent – not the social worker, (as set out in para. 3.1. Chapter 3 and 8.20 Chapter 7). It is NYAS' view that this responsibility should rest with the Local Authorities as they retain responsibility for funding levels.

NYAS welcomes a reform of social care practice. If social workers are to be committed and effective they must have the professional autonomy, expertise and the resources to carry out their role effectively.

NYAS agrees that there is an urgent need to ensure that there is a stable and consistent lead professional social worker for a child throughout their time in the care system, and after. NYAS agrees with the vision set out in paras. 3.16 and 3.17 of the Green Paper.

1. The development of Social Care practices could go some way to address the problems identified, but will only be successful if they are adequately financed, with dedicated monies over at least a five year period. Care must be taken to avoid the problems of the competitive

market place, with short term funding, staff transfers and contract uncertainty, as currently experienced by the Voluntary sector delivering children's services.

2. It would be disastrous if the responsibilities of the Local Authority as Corporate Parent were passed on to local Social Care Practices, as a means of 'buck passing' and 'shifting of blame' for poor quality services, which can be largely attributed to onerous bureaucracy and under-funding. The social worker should have the responsibility for the assessment of a child's needs and making arrangements for those needs to be met, accountable both to the Local Authority and the young person, with accountability for the range of provision resting with the Local Authority who would still be responsible for care proceedings.
3. The notion that the existing independent visitor scheme can be modified to incorporate Independent Advocacy is misguided and inappropriate. There is a clear misunderstanding in the Green Paper as to the nature of the distinctly different and discrete roles of Independent Visitor and Independent Advocate. The merging of these roles will dilute the effective provision of each and result in poor quality services being provided to looked after children. This will do nothing to increase the strength of the corporate parent whose job is to ensure that looked after children and young people have access to the best standards in the provision of Independent Advocacy services and Independent Visiting.

1

9 Would a 'social care practice' help give social workers more freedom to support children?

Yes

No

Not Sure

Comments:

1. This proposal needs to be piloted and properly evaluated in order to assess its impact and effectiveness.
2. Children and young people need to form part of the assessment and evaluation process.
3. The proposal that social workers should be more independent from the constraints of Local Authority finance and commissioning matters and more attuned to their core role of providing children and young people with care and support to achieve and fulfil their lives is welcomed by NYAS. However there is a danger that the profit made by social care style practices will become more important than the provision of good quality services for looked after children and young people. NYAS therefore considers that such practices should be run as not for profit enterprises. Also we remain unconvinced that social care practices will effectively provide more independence from Commissioning Authorities as short term service agreements can be used to stifle independence due to concerns over whether they will be renewed as happens at present. Safeguards will need to be considered in order to stop this from happening in future.
4. The proposal for GP style practices' will only increase the numbers of social workers available to work with looked after children if they offer sufficiently attractive employment opportunities. Social workers should retain the terms and conditions that they are entitled to as Local Government Employees.
5. There must be investment in infrastructure costs for the new practices.

10 Should the Independent Visitor role be revitalised and renamed as 'independent advocate' to introduce advocacy as a key element of the role?

Yes

No

Not Sure

Comments:

1. The role of an Independent Visitor and the role of an Independent Advocate are very different. They are distinctly defined roles which should not be combined. The role of Independent Visitor (IV) as set out in the Children Act is to visit and befriend children and young people in the looked after system who have little or no contact with members of their birth family. The IV is expected to make a long term commitment to the young person, and is usually a volunteer. Children have told NYAS that they value having an unpaid person who chooses to spend time with them. If this role is to be extended then it should be to ensure that all looked after children and young people are offered an Independent Visitor for befriending purposes, on entering the looked after system. Independent Visitors should have the support of an Advocacy service should specific issues arise for the young person, beyond the scope of the IV.

In contrast the Independent Advocate is a professional role which has been developed and defined by the development of the National Standards for the Provision of Children's Advocacy Services. Advocacy for children is not for long term befriending, it is a child-led process which responds to specific concerns raised by the child and directly represents the views of the child when decisions are being made about their lives, without interpretation or reference to welfare or best interest considerations. It is a role which requires specialist training in order to put the views of children across to those who do have the responsibility for best interest decision making, including a range of professionals and responsible bodies. The advocate role is to represent the wishes and feelings of the child, to challenge decisions, injustice and breaches of human rights on behalf of the child, as described in Chapter 8 para. 8.29. It is a highly complex role which needs ongoing professional support and training if children and young people are to given an effective high quality service.

If the advocate role were to be 'downgraded' to that of a volunteer befriender, it would have a significant impact upon the effectiveness of the advocacy role and outcomes for children as well as for advocacy services across the country.

2. NYAS considers that it would be possible to amend the Advocate role so as to ensure that all looked after children had contact with a nominated Advocate, so that they had access to consistent advice, support and representation at key times. Consideration should be given to whether every child looked after needs long term befriending, in which case the volunteer IV role should be extended to this group; or whether they need more consistent representation and support when decisions

are being made, in which case the advocate role should be extended.

Chapter 4: Ensuring children are in the right placements

11 a) Should a 'tiered' approach to fostering placements be developed?

Yes

No

x Not Sure

Comments:

1. NYAS considers that these proposals have the potential to provide significant improvements for children and young people in the looked after system. However careful consideration needs to be given to further regulation over and above the measures provided by 'Choice Protects' which moves towards the better qualification of foster carers.
2. What must be paramount is the need to provide a choice of good quality supported foster care tailored to provide looked after children and young people with the correct level of support within a placement in order to meet their assessed needs. If this is not done then placements will continue to break down.
3. The development of fostering as a skilled career with appropriate training and reward is to be welcomed. Care should be taken in order to ensure that the implementation of these proposals does not lead to children and young people suffering further stigma or labeling. There is the risk that children with challenging behaviour or labeled as 'complex needs children' will view their placement with 'top tier' carers as an indication of their credibility as a 'tough kid in care'
4. NYAS is concerned about a 'market based' approach to the provision of placements. It is our experience that competitiveness whilst reducing cost, can drive down quality.

We endorse the need to increase the range and choice of placements underpinned by skills and qualifications, and supported by local housing initiatives.

11 b) If so, should this be underpinned by a formal qualification framework?

Yes

No

x Not Sure

Comments:

1. We are of the view that great care must be taken not to make a formal qualification framework so onerous that it deters potentially suitable prospective and current foster carers from providing placements as this will have the consequent effect of reducing placement choice for looked after children and young people.
2. All foster carers should as a matter of course be provided with training on children's rights issues and the provisions of the United Nations Convention on the Rights of the Child and Advocacy.
3. Further evaluation of the impact of these proposals is needed.

12 How can we increase placement choice without increasing financial burdens on the system?

Comments:

- 1 NYAS is concerned that there will be little or no change in the current situation for children and young people unless and until it is accepted that increased financial investment will be necessary to effectively ensure that there is a choice of appropriate placements to meet the needs of looked after children and young people. To suggest that there may be a way to address this issue without providing financial support to improve the situation constitutes a failure to understand the importance of issues of appropriate assessed needs based placements.
- 2 Ensure that children and young people who are looked after are able to participate in the process of planning commissioning and evaluating placement options.
- 3 Regulate to ensure that children and young people are provided with offers of at least 3 placement choices with full particulars of each placement being offered details of the area of the placement local amenities and sufficient time to visit each placement to make a considered choice.

13 Should local authorities be required to consider whether disabled children in 52 week specialist residential provision should have the 'looked after' status?

Yes

No

Not Sure

Comments:

Further consideration also needs to be given to the needs and rights of children who are in short term care for significant parts of the year and whether they ought to be considered as looked after children so that they qualify for leaving care provision and services.

Parents of these children, and where appropriate the children themselves should be consulted. Consideration should be given to alternative classification and terminology which specifically addresses their needs.

E

Chapter 5: A first class education

14 How might the role of the Designated Teacher for children in care be strengthened further?

Comments:

1. By a compulsory National Designated Teacher Training Programme aimed increasing the understanding of the issues faced by children and young people in Local Authority Care.
2. Providing schools with funding to allow Designated Teachers to participate in multi disciplinary specialist training in the developmental and additional needs of vulnerable children.
3. Providing Designated Teachers the same legal status as Special Educational Needs Co-ordinators.

15 How would a 'virtual headteacher' best raise standards for children in care?

Comments:

The proposals for a virtual head teacher for children in care as set out in Chapter 5 would help to raise standards. It would be important for protocols to be drawn up for joint working with the social worker and for the sharing of information and individual outcomes.

16 What more can be done to reinforce the educational role of the carer?

Comments:

1. All current and prospective carers need to be assessed as being able to provide a high standard of minimum level educational support for looked after children and young people.
2. In addition to this they should be provided with training to supplement their ability to educationally support the children and young people in their care.

17 Are the measures proposed in relation to the Further Education sector sufficient to achieve a step change in outcomes for young people in and leaving care?

Yes

No

Not Sure

Comments:

We consider that young people who have experience of the care system and have gone on to pursue further education or conversely have not but would have liked to have gone on to pursue further education need to be consulted upon these matters. This will allow for increased understanding of the issues that are faced by young people in the education system.

Chapter 6: Life outside school

18 Have we set out the right features in the comprehensive model of health care for children in care?

Yes

No

Not Sure

Comments:

1. Children who are not looked after are not subject to mandatory medicals and we consider that although there is the need to ensure that all looked after children have access and support to access good quality health care this should be on the basis of need as is the case for children and young people who are not with in the looked after system. There should be a mandatory requirement to offer a health check annually to all children in care, with a choice of health care practitioner.
2. Health checks should not be used as a covert tool for screening looked after children and young people for substance misuse.
3. There is a need to ensure that looked after children and young people have access to and support to obtain good quality dental care as and when needed. We consider that if this is not possible due to the lack of NHS Dental Services a looked after child or young person should be assisted to obtain private Dental Health as might be the case for a child not within the looked after system.

19 What more could we do to help young people in care to participate in sporting, leisure and cultural activities?

Comments:

1. Involve and encourage children from primary school age in extra curricular and after school activities and clubs.
2. Provide financial and practical support to pursue these activities. Young children can not attend after school activities and clubs unless they have an appropriate adult to facilitate dropping off and picking up.
3. Make it mandatory for Local Authority's to provide all children with free and unlimited access to Local Authority gyms swimming pools and other leisure activities.
4. Publicise local events clubs and societies within care homes.
5. Provide increased Advocacy support and Independent Visitor schemes to all looked after children and young people. This will assist in ensuring that there is improved access to sporting leisure and cultural activities and that there is the financial and practical support to pursue these activities.

20 Is the approach to supporting children in care who enter youth custody the right one?

Yes

No

Not Sure

Comments:

1. The needs of the children in care who enter youth custody are greater than that of the child in care who does not enter custody. There needs to be further consideration given to the need to ensure that they receive full support so that a meaningful plan is drawn up at the pre-release meeting. The young person must have ownership of the plan and it should be realistic about the proposals for school admission or work opportunity on return to the local community.
2. Resettlement workers should have close links to leaving care teams in order to ensure that young people leaving custody are given the best chance of reintegration into the community. Consideration should be given to bringing these staff together so that all children in

transition, whether they are leaving care, psychiatric or special hospital, custody or boarding school, have the same level of support and the same access to services, with pooled budgets and joint commissioning arrangements.

3. Additional intense support such as through a Mentor or volunteer IV should be provided for young people leaving custody in order to prevent re-offending.

21 What more can be done to support the role of carers in managing behaviour within the home?

Comments:

1. Training, both general and specific to the needs of the child or young person to include multi disciplinary and continuing training of care givers on ways in which they can empower young people build and raise self esteem.
2. Therapeutic and group work to address the most challenging and severe behaviours encountered.
3. Regular consistent and improved access and communication between the social worker, care giver and child or young person.
4. Research shows that when children and young people feel that they have participated in the process of decision making in respect of matters that affect their lives, feel listened to and have their views wishes and feelings acknowledged and taken into account there will be a positive impact upon the self esteem and confidence of the child or young person. This in turn will have a positive impact upon the behaviour and management of children and young people. Independent Advocacy services provided to all looked after children and young people will ensure that this occurs wherever the placement maybe.

Chapter 7: Making the transition to adult life

22 Should young people be allowed to remain with their foster families up to the age of 21, including when the young person is at university?

x Yes

 No Not Sure

Comments:

If this is what the young person wants then there should be the facility for this to occur. It is unrealistic and emotionally damaging to expect young people to leave their foster placements at a certain chronological age. Young people in good loving foster placements should not be expected to do this just as young people in good loving families would not be expected to do this. Foster care placements must allow for the emotional financial and practical support of a young person in such circumstances if required whilst preparing a young person to grow in independence. However this support needs to be consistent and appropriate to the needs and age of the young person, particularly if the young person is or will be away from home during University term times. There will need to be ongoing effective and consistent monitoring of such placements.

Conversely if a young person considers residential care to be home then they should have the right to remain there up to the age of 21 or until the end of their University or other educational studies.

23 What is the best way of ensuring greater availability of dedicated supported accommodation for young people making the transition to adulthood?

Comments:

1. New and improved housing initiatives, in partnership with Housing Associations, designed with the participation of young people, care providers and architects to meet the needs of care leavers. The provision of small residential units for groups of young and or disabled care leavers, co-operative housing and rent to buy schemes.
2. Provision of a 'home base' in every authority, to offer emergency accommodation for young people who have been in care and who may be homeless, with support for them to obtain alternative and stable accommodation.
3. The provision of better and more effective financial forecast planning in the development of new initiatives.
4. Better recruitment and training of support staff involved in providing care in this area to include ongoing and multi disciplinary training.
5. Introducing legislation to stop Local Authorities from placing care leavers or unaccompanied asylum seekers in bed and breakfast

accommodation. Such accommodation can not be considered to be dedicated or supported in nature and therefore must not be allowed to continue.

24 Are there other ways in which we can increase the number of children in care progressing to university?

Comments:

1. Provide children and young people in the looked after system with aspirations and motivate them to achieve from an early age.
2. Ensure that all primary school age children and young people entering care are enrolled at the local library and given the opportunity to enjoy books on a regular basis.
3. Instigate a mentoring or volunteer IV programme for all looked after young people. Matching the IV with the aspirations and interests of the young person
4. Give children and young people looked after the benefit of extra tuition in academic area's, sports dance music or other activities that they are interested in, in order to develop their skills. Alternatively extra tuition may be needed for children and young people in order to provide extra help for them to achieve good grades at GCSE and A Level.
5. Provide sufficient financial and practical support for each and every child and young person in care to do the above.
6. Ensure that the University fees and reasonable living costs of young people in care are provided for in full.

Chapter 8: Making the system work

25 Should we introduce a new power for local authorities to intervene in schools performing poorly for children in care?

x Yes

No

Not Sure

Comments:

Current performance management arrangements are complex and are acknowledged as having 'limited levers over other children's trust partners to deliver good outcomes for children in care – with a 'lack of relationship between outcomes of children in care and star ratings' (p.94) It would be helpful to introduce a new power to intervene in schools performing poorly for children in care.

NYAS believes that a constructive approach to poor performance is the analysis of problems on behalf of individual children, accompanied by the agreement of protocols for managing difficult behaviour and pooled budgets to address learning needs. These budgets could be drawn from those identified to fund the proposed alternative school partners or consultancy.

26 What more should we do to give children in care a greater say in decisions which affect them?

Comments:

1. Extend and ensure the use of the Issue Based Advocacy so that all looked after children and young people have the right to an Independent Advocate as and when needed. Make sure that children and young people are aware of how to contact an advocate as and when they need to do so and that a child or young person can do this confidentially and independent of the social worker or care giver if he or she chooses.
2. Extend and ensure the provision of issue based advocates for all children in schools so that children at risk of exclusion have the right to advise, support and representation.
3. Involve children and young people in setting up children's committees in care homes and fostering networking groups and support children and young people in managing and developing these forums.
4. Promote and develop local and national children Looked After Children Committees.
5. Increase the participation of children in training and events designed to inform the process of good social work/care giving practice.
6. Collate information about issues raised with advocacy services by children looked after. NYAS information and reporting system for advocacy services can regularly obtain and monitor children's issues in

any given area. This would ensure that more excluded children can also inform the annual stock take of children's views proposed at 8.30.

27 How can Independent Reviewing Officers be made more independent and their role strengthened?

Comments:

1. Ensure that the role is truly independent of the Local Authority by providing for a national independent body of IRO's at local level, managed by an external child care agency to ensure continued grass roots working with social workers and children looked after.
2. Any such body should not be associated with existing statutory bodies such as CAFCASS so as to ensure that their independence is not compromised and the importance of the role is not reduced by the expectation that it will be subsumed into existing budgets.

28 What key outcomes should we measure to assess whether we are being successful in transforming the lives of children and young people in care?

Comments:

It is deplorable that many of the issues highlighted in the Green paper (such as placement moves) have been identified as priorities for improvement for many years and yet remain the reason for many young people ringing the NYAS Help Line.

Most children and young people want nothing more from the care system than to be cared for. When this is achieved children and young people experience higher levels of confidence and self esteem which in turn will lead to greater achievements across the board. As a measurement tool for a looked after child it is perhaps the greatest outcome by which the achievement of the corporate parent can be measured. It is the lack of care experienced by children and young people in the care system that is the greatest failure experienced by them and the main barrier to transforming the lives of looked after children and young people.

It is NYAS' experience that children and young people value and respond to being given a say in what happens to them, having their views acknowledged and considered, being informed of changes to their care in an open and planned manner and being able to maintain and have contact with their family

and friends whilst looked after. They need and want to access support and help from their social workers and care givers promptly as would any child in fear or trouble and they want to be seen and valued as individuals.

NYAS welcomes the focus on education. However, young people like all children have a hierarchy of needs. They will be unable to benefit from education if they do not have a stable home life, and do not feel valued and cared for. A stable and high quality education must be combined with the other elements for a successful childhood. It is our view that children and young people should be asked what they consider to be the key outcomes.

NYAS welcomes the proposal for improved support for all children in care through the provision of either a volunteer independent visitor or an independent advocate, but would recommend further work to clarify the role.

29 Please use this space for any general comments you would like to make

Comments:

NYAS is concerned about the plight of young asylum seekers and the unsatisfactory manner in which the needs of this group are dealt with. If British values are reflected in the way in which we respond to children then there is an urgent need for these young people to be considered as children first. There should be a cross departmental approach to ensuring that their needs as children are seen as paramount.

NYAS welcomes the range and depth of the Green Paper and we are optimistic that it signals a real commitment to finding solutions to some of the long standing problems experienced by children looked after. We hope that the determination and passionate commitment expressed in the Green paper translates into more than a requirement for local authorities to simply pledge to make a difference.

30 Please let us have your views on responding to this consultation. For instance did you have any difficulty understanding any of the questions and did you think we had the right number or type of questions?

Comments:

The questions were clear and appropriate.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply x

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

 No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 15 January 2007

Send by post to: Consultation Unit, Area 1A, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

Send by e-mail to: carematters.consultation@dfes.gsi.gov.uk