

22nd January 2021



NYAS submission to England's Care Review 'Call for Advice'

1. *What's your name?*

Ben Twomey, Director of Policy and Research, on behalf of NYAS (National Youth Advocacy Service)

2. *What's your email address?*

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3. *Please choose one of the following options below which best represents you or your organisation:*

- I have personal experience of children's social care
- I'm a carer
- I work in Children's Services e.g. social worker
- I work in education
- I work in health care
- I work at a charity
- I'm a researcher
- Other

4. *Can we contact you with further information on the review (such as any updates, future events and further opportunities to input into the review)?*

YES

5. *Can we contact you if we have any follow-up questions relating to your responses below?*

YES

6. *Who should I prioritise speaking to? Naming specific people or organisations would be helpful.*

Care-experienced people – We encourage you to reach out to the broadest range of care-experienced people of all ages. We advocate primarily for those currently or recently in care and would be delighted to work with you to develop meaningful ways to empower the voices of care-experienced children and young people. As a starting point, we would love to invite you to meet the NYAS Campaigns Advisers, a brilliant group of care-experienced 18-25-year olds from across the country. We would also encourage you to reach out to coalitions of care-experienced people such as Our Care Our Say and the Care Experienced Conference.

NYAS staff and volunteers – As you read this, almost 200 NYAS advocates are working to protect rights and empower children and young people across England. They are experts in children’s rights and empowering the voices of children and young people. We would love for you to meet our independent advocates, as well as other staff and volunteers across our many services and projects. Over 900 brilliant staff, self-employed contractors and volunteers make up our workforce in England, and we hope their insights and expertise can also be a part of this review.

The Alliance for Children in Care and Care Leavers – The Alliance is the pre-eminent sector-wide coalition that works to support care-experienced children and young people. Member organisations share a commitment to improving outcomes for children and young people who spend time in care. The Alliance represents around 40 organisations and is co-chaired by Ben Twomey (NYAS) and David Graham (Care Leavers’ Association).

Who Cares? Scotland – *Who Cares? Scotland* is a charity that works with care-experienced children, young people and Care Leavers across Scotland. They were commissioned by the chair of the Scottish Independent Care Review, Fiona Duncan, to undertake the 1000 Voices Project; a project to engage at least 1000 care-experienced people’s voices were heard in Scotland’s Care Review. *Who Cares? Scotland* were able to engage and support care-experienced young people in ensuring their voices were heard in the review by using a variety of data collection methods such as podcast projects, photography, and journey mapping.

Experts in the Welsh ‘active offer’ of advocacy – there are many people in Wales who we would love to introduce you to, in order to share their experience and expertise on the ‘active offer’ of advocacy, which means every child is offered an independent advocate at key points in their care journey. Relevant experts include the current and former Children’s Commissioners, senior officials in Welsh Government, and key members of the Children, Young People and Education Committee. NYAS work across both England and Wales so our team in NYAS Cymru stand ready to assist the review and share best practice from across the border.

7. How best should I engage children, young people and families who have experienced children's services?

Co-produce with and for care-experienced children and young people – this review isn't about people's work, it's about people's lives. The best way to engage with children and young people is to offer for them to be an active part of the process, able to shape it and reach conclusions. The emphasis of the review should then be on outcomes for those children and young people affected by the care system, and any changes to professional practice must be focused on improving those outcomes.

Reach out through the children's sector – NYAS and many other organisations in the sector already work with thousands of children, young people and families every year. Our professionals and volunteers are trusted, independent individuals who work hard to empower the voices of care-experienced children and young people in the decisions that affect their lives. Please work with us.

Be inclusive and accessible – Think about how to engage different age groups. The Experts by Experience group application did not seem well suited to younger children, nor did it ask for the applicant's age, so it is vital that there are ways for their voices to be heard too. Resources and participation must be tailored not only for different age groups, but also for blind or partially sighted children, those with special educational needs or disabilities, and those for whom English is not a first language.

Be transparent – Transparency is vital for building trust, particularly with the children and young people who the care review's conclusions will impact. Responding to any concerns voiced by care-experienced people throughout will help to build that trust. A feedback loop of "you said, we did" would also help to build the credibility of the care review. We also recommend developing clear timescales, which are currently absent from the Terms of Reference.

Be sensitive – The care review is rightly seeking to learn from the experiences of those who are care-experienced. Recalling these experiences can be traumatic. To that end, the review must be conducted sensitively to avoid the exploitation of grief. The Scottish care review, as well as ensuring each session was designed as an asset-based engagement to avoid re-traumatisation, provided free counselling to support care-experienced people after participating. With instances that require wider support, for example where rights are being denied, be prepared to offer referrals or signpost to other agencies, such as NYAS' advocacy services.

Safeguarding is vital. We recommend a safeguarding process that is empowering, preventative, proportionate and accountable. It must protect those in need and be accountable. *Empowerment* – people are supported and encouraged to be part of making decisions. *Prevention* – It is better to take action before harm occurs. *Proportionality* - The least intrusive response appropriate to the risk presented. *Protection* – support and represent those in greatest need. *Partnership* – Local solutions through services working with the communities have a part to play in preventing, detecting and reporting neglect and abuse. *Accountability* – Accountability & transparency in safeguarding practice.

Make a commitment – While the language of a "once in a generation opportunity" to reshape the care system is intended to add weight to the review, it is important to recognise that

incremental change is also necessary. Care-experienced children and young people cannot be told next year that they will have to wait decades before they can next have a say over policies that affect their lives. Care-experienced children and young people have the right to be listened to and taken seriously. That right, Article 12 of the United Nations Convention on the Rights of the Child, has no start and end date. The care review should commit to seeking the most robust measures to protect and strengthen the right of all children to be listened to and taken seriously.

8. What should I be reading? Links to books, blogs, documents, or studies welcome.

Legislation

- The United Nations Convention on the Rights of the Child (with particular attention to Article 12): <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>
- The Children Act 1989: <https://www.legislation.gov.uk/ukpga/1989/41/contents>

NYAS research and campaigns

- Looked After Minds – NYAS’ campaign to prioritise the mental health and wellbeing of care-experienced children and young people: <https://www.nyas.net/wp-content/uploads/NYAS-looked-after-mind-report.pdf>
- Missing the Point – NYAS’ campaign to protect missing children and young people: <https://www.nyas.net/campaigns/missing-the-point/>
- Regulate! – NYAS’ campaign to end the use of unregulated accommodation: <https://www.nyas.net/campaigns/ending-the-use-of-unregulated-accommodation/>
- The Right Friend – NYAS’ campaign to improve awareness of and access to independent visitors: <https://www.nyas.net/wp-content/uploads/The-Right-Friend-Campaign-Leaflet.pdf>
- Advocates 4 U – Collaborative campaign to strengthen advocacy standards: <https://www.nyas.net/campaigns/advocacy-4u-campaign-to-strengthen-children-and-young-peoples-advocacy-services/>
- Charlotte, a NYAS Campaigns Adviser, sharing her story on the Children’s Commissioner’s IMO podcast: <https://imohub.org.uk/the-imo-podcast-series-2-episode-2-charlottes-story/>
- NYAS’ letter to the Education Secretary at the beginning of the COVID-19 pandemic, backed by over 40 charities, organisations and care-experienced people: <https://www.nyas.net/wp-content/uploads/NYAS-Letter-to-the-Education-Secretary-on-the-rights-and-needs-of-care-experienced-young-people-during-COVID-19-v2-3.pdf>
- Across the Border briefing, comparing policies and outcomes for missing care-experienced children and young people in England and Wales: <https://www.nyas.net/wp-content/uploads/NYAS-Across-the-Border-Briefing-2-Missing-Children-Missed-Opportunities.pdf>
- Across the Border briefing, comparing policies and outcomes for homeless care-experienced children and young people in England and Wales: <https://www.nyas.net/wp-content/uploads/Tackling-Youth-Homelessness-in-England-and-Wales.pdf>

Reading from partners and colleagues external to NYAS

- Our Care Our Say: “Is this the time people are going to listen?”: <https://ourcareoursay.wordpress.com/our-care-our-say-is-this-the-time-people-are-going-to-listen/>
- The Care Experienced Conference reports: <https://info822785.wixsite.com/careexpconf/reports>
- The Court of Appeal judgment on Statutory Instrument 445, R (Article 39) –v- Secretary of State for Education: <https://www.judiciary.uk/judgments/r-article-39-v-secretary-of-state-for-education/>
- Pre-Care Review letter by John Radoux, signed by hundreds of care-experienced people and sector leaders including NYAS: <https://www.cypnow.co.uk/news/article/hundreds-of-experts-sign-letter-calling-for-independent-review-of-care-system>
- Pre-Care Review letter by Become, signed by 27 charities including NYAS: <https://becomecharity.org.uk/media/2216/care-review-letter-and-doc.pdf>
- Alliance for Children in Care and Care Leaver’s vision statement: <https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/content/thevision-allianceforchildrenincareandcareleavers.pdf>
- Together for Children manifesto 2019, co-authored by NYAS: <https://article39.org.uk/wp-content/uploads/2019/11/Together-for-Children-30-General-Election-Pledges-Nov-2019.pdf>
- The Children’s Commissioner’s 2020 Stability Index: <https://www.childrenscommissioner.gov.uk/report/stability-index-2020>
- The Children’s Commissioner’s Advocacy for Children report: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/06/CCO-Advocacy-for-children-June-2019.pdf>
- Inquiry into children and young people who go missing from out of area placements, by the APPG for Runaway and Missing Children and Adults, with contributions from NYAS: <https://www.childrenssociety.org.uk/sites/default/files/2020-10/no-place-at-home.pdf>
- Welsh Government legacy report on the National Approach to Statutory Advocacy (publication imminent) – we will share when available.
- Welsh Government’s National Standards and Outcomes Framework for Children and Young People in Wales: <https://gov.wales/sites/default/files/publications/2019-08/national-standards-and-outcomes-framework-for-children-and-young-people-in-wales.pdf>
- Scotland’s Independent Care Review reports: <https://www.carereview.scot/conclusions/independent-care-review-reports/>

9. *What are the big questions I should be asking as part of the review?*

Rights – There is no mention of children’s rights in the current Terms of Reference. Are the rights of care-experienced children and young people being protected? Can the review be conducted through a child’s rights approach? How can rights be better protected and guaranteed for care-experienced children and young people? How can care-experienced children and young people be made more aware of their rights and entitlements? Will the conclusions or recommendations of the review be subject to a rigorous Child Rights Impact Assessment?

Empower all voices – Are there the right systems and processes for care-experienced children and young people to be listened to and taken seriously, as per Article 12 of the UN

Convention on the Rights of the Child? Are resources and participation tailored not only for different age groups, but also for blind or partially sighted children, those with special educational needs or disabilities, and those for whom English is not a first language? How can processes to empower the voices of care-experienced children and young people be embedded in national and local government beyond the conclusion of the review?

Advocacy – Are care-experienced children and young people aware of their right to an independent advocate? Can the government introduce an active offer of advocacy, so that children and young people are offered an advocate when entering care, and understand their rights and how to access advocacy support?

Mental health – How can adverse childhood experiences be prevented? If adverse childhood experiences do happen, how can children’s mental health be supported at the earliest possible opportunity? How can positive childhood experiences be promoted by the care system? Should children accessing any tier of CAMHS support have the right to an independent advocate? Do Personal Advisers have a role in supporting care leavers’ mental health and wellbeing?

Missing children – How can missing episodes be reduced? How can it be made sure that no child is criminalised as a result of being a victim of child criminal exploitation? What is the criteria in each local authority for children receiving an offer of an independent return interview after they have been missing? How can the rising trend for ‘out of area’ placements be reversed?

Independent Visitors – Do all local authorities meet their legal obligations to offer independent visitors to children and young people who meet the criteria? Are children and young people aware of their right to an independent visitor? Should there be government-approved national standards for independent visiting? Should independent visitors as an entitlement be available for young people beyond the age of 18?

Secure children’s homes – What are the outcomes for children and young people living in secure children’s homes? Does the lack of secure children’s homes lead to children and young people being left in vulnerable situations?

Funding - How will the government commit to fund children’s social care to the point that outcomes for care-experienced children and young people match those of their peers? Are the review’s recommendations expected to be cost-neutral? How has private investment in the care system affected outcomes for care-experienced children and young people?

Stability – Every year, the Children’s Commissioner for England produces the ‘Stability Index’ for children in care. Every year, it reveals an enormous amount of instability in the lives of care-experienced children and young people. Which steps and policies are needed to provide greater stability for care-experienced children and young people? How can the links between poverty and children entering the care system be addressed?

Cross-departmental working – Will the review look at issues and policies across government departments? Is there buy-in from each department to respond to the review’s recommendations?

Cross-party commitment – Will the review ensure that cross-party political support is achieved to ensure that long-term change is possible for the young people affected through public recognition and financial commitment? If this is truly to be a ‘once in a generation’ opportunity to reshape the care system, is there cross-party buy-in for the review in parliament?

Lifelong commitment – Can the Terms of Reference more explicitly include consideration of care leavers and care-experienced people of all ages? How can the so-called ‘care cliff’ as young people turn 18 years old, be ended? Does the age criteria applied to care-experienced young people accessing support need to be extended or made more flexible? How can care-experienced people be supported beyond the age of 25? What commitment is needed to care-experienced people for the rest of their lives?

When approaching each issue and topic, every person involved in this review and those legislators and policy-makers receiving the review’s recommendations should ask themselves this question: **Would this be good enough for your child?**