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On behalf of NYAS (National Youth Advocacy Service)

March 2021

England Care Review Call for Evidence

NYAS Submission

This is NYAS' submission to the England Care Review Call for Evidence in March 2021.

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4. Can we contact you, using the email address you provided, with further information on the review (such as updates, events and opportunities to input)?: **Yes**

5. Can we contact you, using the email address you provided, if we have any follow-up questions relating to your responses below? **Yes**

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6. In which areas of children's social care do you think there is very robust research and evidence? Please provide this evidence where possible.

1. Mental Health

According to the Care Leaver Covenant summary report, Looked-after children are four times more likely to have a mental health difficulty than their peers.

1.1: NYAS (2019) 'Looked-After Minds' [online] Available at: https://www.nyas.net/wp-content/uploads/NYAS-looked-after-mind-report.pdf

NYAS' 'Looked After Minds' report set out how mental health is consistently raised by care-experienced children and young people as one of their key priorities for change. Our report introduces recommendations based on available evidence, for some key changes that would improve mental health and wellbeing for care-experienced children and young people.

We also work closely with Dr Rachel Hiller at the University of Bath, who has been a fantastic professional adviser to NYAS throughout our 'Looked After Minds' campaign.

1.2. Hiller, R. *et al.* (2021) 'A longitudinal study of cognitive predictors of (complex) post-traumatic stress in young people in out-of-home care' [online] Available at: https://acamh.onlinelibrary.wiley.com/doi/epdf/10.1111/jcpp.13232

Dr Hiller *et al. a*ssessed 120 10-to 18-year-olds in out-of-home care and their primary carer to determine what demographic and cognitive processes may contribute to the maintenance of both PTSC and complex features.

1.3: Hiller, R. and Clair, M. (2018) 'The emotional and behavioural symptom trajectories of children in long-term out-of-home care in an English local authority' [online] Available at: https://www.sciencedirect.com/science/article/pii/S0145213418301686

Researchers from the University of Bath investigated whether the mental health problems of young people in out-of-care home developed at certain points once they had been removed from the maltreatment-environment.

1.4: Werthern, M. Grigorakis, G. and Vizard, E. (2019) 'The mental health and wellbeing of Unaccompanied Refugee Minors (URMs) [online] Available at: https://www.researchgate.net/publication/335921713_The_mental_health_and_wellbeing_of_Unaccompanied_Refugee_Minors_URMs

Werthern et al examined published literature on the impact of traumatic experiences of displacement and resettlement which unaccompanied refugee minors are subjected to. They carried out a structured review of the literature through search terms related to both developmental difficulties and mental health problems.

2. Positive Childhood Experiences

2.1: Bethell, C. *et al* (2019) Positive Childhood Experiences and Adult Mental and Relational Health in a Statewide Sample: Associations Across Adverse Childhood Experiences Levels. JAMA Paediatrics [online] Available at: https://jamanetwork.com/journals/jamapediatrics/fullarticle/2749336

This American study evaluated associations between adult-reported positive childhood experiences and adult depression/poor mental health. It puts forward the case to consider 'positive childhood experiences' – which we believe should be seen alongside adverse childhood experiences as two sides of the same coin. While the care system must prevent adverse childhood experiences and support children to recover from them, it should also guarantee positive childhood experiences.

3. Missing Children

3.1: NYAS (2019) 'Submission to the APPG inquiry into 'out of area' care placements for looked after children and young people' [online] Available at: https://www.nyas.net/wp-content/uploads/NYAS-submission-to-APPG-on-Runaway-and-Missing-Children-and-Adults-Apr.19.pdf

NYAS' inquiry into 'out of area' care placements analysed the key statistics generated from our return interview data. Our charity conducts nearly 2,000 return interviews every year for over 700 children who go missing from care.

3.2: NYAS Cymru (2020) 'Missing the Point' [online] Available at: https://www.childreninwales.org.uk/news/news-archive/nyas-cymru-launches-new-report-missing-point/

Although NYAS Cymru's 'Missing the Point' report analysed the issue of missing children in Wales, this research is not yet available in England. We plan to release a 'Missing the Point' report specific to missing children in England later in 2021.

4. COVID-19

Lockdown

4.1. National Youth Advocacy Service (2020) 'Young Lives in Lockdown' [online] Available at: https://www.nyas.net/wp-content/uploads/NYAS-Coronavirus-Survey-Report-Young-Lives-in-Lockdown-May-2020.pdf

NYAS' 'Young Lives in Lockdown' report conducted a wide-ranging study that surveyed 230 children and young people across England and Wales from 55 different local authorities. The survey was open online from 15th April to 7th May 2020.

4.2: NYAS submission to Education Select Committee (2020) 'The Impact of Covid-19 on education and children's services' [online] Available at: https://committees.parliament.uk/writtenevidence/6468/pdf/

NYAS' submission to the UK Parliament Education Select Committee's Call for Evidence included qualitative and quantitative data on the effects of the lockdown on care-experienced young people and care leavers.

5. Youth Justice

Alliance for Youth Justice (Formerly Standing Committee for Youth Justice)

5.1: Standing Committee for Youth Justice (2016) 'Growing up, Moving on: The International Treatment of Childhood Criminal Records' [online] Available at: https://static1.squarespace.com/static/5f75bfbbfb67fc5ab41154d6/t/5fb38931698e2e252562f1f6/1605601589663/Growing+Up%2C+Moving+On+-+The+International+Treatment+of+childhood+criminal+records.pdf

The Standing Committee for Youth Justice's report examined the treatment of childhood criminal records in 16 jurisdictions.

The Howard League for Penal Reform

Series of relevant Howard League research briefings to end the criminalisation of children living in residential care:

5.2: First Briefing (2017): Ending the criminalisation of children in residential care, Available at: https://howardleague.org/publications/ending-the-criminalisation-of-children-in-residential-care/

Howard League's first briefing build upon evidence published in March 2016 which revealed that children aged 16 and 17 living in children's homes were 15 times more likely to be criminalised than other children of the same age.

5.3: Fourth Briefing (2018): 'This is our story': Children and young people on criminalisation in residential care, Available at: https://howardleague.org/wp-content/uploads/2018/12/This-is-our-story.pdf

Extensive qualitative research conducted by the Howard League put the spotlight on children and young people with lived experiences of what causes and prevents criminalisation.

6. Family Law Solutions

6.1: Family Solutions Group (2020) '"What about me?" Reframing Support for Families following Parental Separation' [online] Available at: https://www.nyas.net/wp-content/uploads/FS-REPORT-FINAL.pdf

Family Solutions Group (FSG) released this well-researched study as a plea to all who work in the field of family justice to place the child's long-term welfare and their rights at the heart of what they do. Presenting evidence that current processes for issue resolution in court tend to be parent-centric, the FSG urges that all children and young people aged 10 and above should be heard in all issue-resolution processes outside the courtroom. NYAS' legal team were involved in the creation of this report.

6.2: Public Law Working Group (2021)' Recommendations to achieve best practice in the child protection and family justice systems' [online] Available at: https://www.judiciary.uk/wp-content/uploads/2021/03/March-2021-report-final_clickable.pdf

The Public Law Working Group launched a consultation from July 2019 to 30 September 2019 to address the steep rise in the issue of public law proceedings. After receiving a total of 420 survey responses and 47 responses from key stakeholders in the family justice and child protection systems, they made a number of recommendations.

6.3: Nuffield Family Justice Observatory (2018) 'Born into care: Newborns in care proceedings in England' [online] Available at: https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/BiC%20Full%20report%20201118.pdf

Broadhurst et al. conducted the first ever national study of newborn babies (defined in this research as under one week old) in England's family justice system. Population-level data (2007/08 to 2016/17) held by the Children and Family Court Advisory and Support Service was used to provide the first estimate and profile of cases of newborns subject to care proceedings.

7. Stability

7.1: Children's Commissioner (2020) 'Stability Index' [online] Available at: https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/11/cco-stability-index-2020.pdf

The English Children's Commissioner's Stability Index includes data on children classified as vulnerable. Launched in April 2017, it monitors the frequency of changes children and young people in care experience in placement, school and social workers.

8. Education

8.1: Department for Education (2020) 'Academic 2018/19: Widening participation in higher education' [online] Available at: https://explore-education-statistics.service.gov.uk/find-statistics/widening-participation-in-higher-education

The Department for Education's annual digest of statistics covering the 2018/19 academic year links data collated by universities with data from schools and colleges in a bid to understand deep-seated systemic inequalities.

8.2: National Network for the Education of Care Leavers (2017) 'Moving On Up: Pathways of care leavers and care-experienced students into and through higher education' [online] Available at: https://nnecl.org/resources/moving-on-up-report?topic=guides-and-toolkits

The 'Moving on Up' report analysed the findings of a project which ran from November 2016 to March 2017, which comprised two parts: a statistical analysis of official data for England including 650,220 young people (including 6,470 care leavers), and a quantitative and qualitative analysis of 212 responses to an online questionnaire taken by care-experienced students in higher education. The purpose of the report was to understand the experiences of care leavers in higher education.

9. Poverty

9.1: Children England (2020) 'Comprehensive Spending Review: Children England submission 2020' [online] Available at: https://www.childrenengland.org.uk/comprehensive-spending-review-2020-children-englands-representation

Following on from Children England's 2017 Children Act Funding Formula, Children England published a follow-up analysis of government social policy. Their Funding Formula warned that both central government's failings to re-distribute funding in a sustained manner to devolved administrations and cuts to local authorities would leave the most disadvantaged communities vulnerable. Their 2020 submission discusses the stark divide between local authority spending and local need.

To generate robust data, government data on children's services by the Child Welfare Inequalities Project was analysed to draw a correlation between spending on support services for looked-after children and local levels of deprivation.

Nuffield Family Justice Observatory

9.2: Nuffield Family Justice Observatory (2021) 'Uncovering private family law: Who's coming to court in England?' [online] Available at: https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/nfjo_whos%20coming%20to%20court_england_summary.pdf

Nuffield Family Justice Observatory's report is a summary of their second research report in their *Uncovering Private Law* series, which used population-level data to examine trends in family law demand in England. Building a profile of families by collating data on levels of deprivation, orders

applied for, and the proportion of repeat applications provided an insight into the needs and vulnerabilities of the families involved in private law cases.

10. The Power of Participation

10.1: Our Care, Our Say (2021) "Is this the time people are actually going to listen?" [online] Available at: https://ourcareoursay.files.wordpress.com/2021/01/ocos-report-2021-finished-3.pdf

There is a wealth of evidence which points towards the power of participation of care-experienced children, young people, and care leavers. The "Our Care, Our Say" report was launched after 163 care-experienced people of all ages completed a survey concerning what issues should be considered and how the Care Review in England should be run. The survey was followed by an event to facilitate discussion by care-experienced people of its results.

10.2: Who Cares Scotland (2016) '1000 Voices', Available at: https://www.whocaresscotland.org/get-involved/1000-voices/

The 1000 Voices project was Scotland's independent care review's way of listening to 1,000 young people with experience of care. Children and young people with lived experience of the care system provided evidence to national voluntary organisation 'Who Cares? Scotland', which helped greatly to shape the positive outcomes of Scotland's review.

7. What do you think are the key findings from this research?

1. Mental Health

1.1: NYAS' Looked-After Minds report highlights that although the evidence is out there that care-experienced young people are far more likely to suffer from poor mental health, CAMHS is not providing it fast enough before their mental health further deteriorates while waiting for support.

1.2: Dr Hiller *et al*. found that in a sample of young people who experienced maltreatment before moving to out-of-home care, existing cognitive models of PTSD were found to be applicable, thereby dispelling the belief that cognitive models are not appropriate for young people exposed to complex trauma. This finding proved the necessity for evidence-based trauma-focused intervention for care-experienced young people. Most importantly, it also noted that care-experienced young people's poor mental health and well-being outcomes have long been documented and urgent funding is required.

1.3: Key findings from Hiller and Clair's research on the timing and development of care-experienced young people's significant mental health needs included the following:

- Around 30-65% of the sample presented with elevated emotional and behavioural difficulties across five years: These percentages are found to be consistent with care-experienced young people, proving that the current
- Only 10-15% of young people were particularly resilient to their earlier experiences

The key finding from this evidence is that, in many cases, removing a young person from the adverse environment is not enough to make them resilient towards their earlier experiences. Access to mental health provision is urgent and required now.

1.4: Werthern et al. found that psychological difficulties are significantly higher in unaccompanied refugee minors than in the general population. In comparison to accompanied refugee minors, unaccompanied refugee minors suffer from higher frequencies of PTSD, anxiety, and depression.

In addition, although female asylum-seeking children and young people constitute a small number of unaccompanied refugee minors, it was determined that this demographic are at higher risk than male unaccompanied asylum-seeking children for developing emotional problems such as PTSD and depression.

The researchers highlighted that the evident psychological needs of unaccompanied refugee minors are not being met by sufficient provision of mental healthcare and support. Werthern et al also illustrated that the legal perspectives surrounding unaccompanied asylum-seeking refugees directly contrast the UNCRC by overshadowing the focus on psychological perspectives. Put differently, so much emphasis is placed on ensuring unaccompanied asylum-seeking children have the legal right to stay in the UK that their mental and physical wellbeing is often regarded as a secondary concern.

A societal change of perspective is urgently required. Instead of considering asylum-seeking children and young people only as refugees, they must first and foremost be regarded as children.

2. Positive Childhood Experiences

2.1: Bethel *et al. c*oncluded that ensuring children and young people benefit from the seven positive childhood experiences listed above can reduce the risk of them suffering from poor mental health in adulthood. The research paper joined a substantive body of evidence in calling for society to shift from treating poor mental health in adults to preventing adverse childhood experiences taking place for children.

The robust findings from Bethel *et al*.'s report and numerous other pieces of literature on positive childhood experiences clearly state that children require love and support in order to flourish. We therefore believe the care review should recommend for the Department for Education to create statutory guidance for professionals and carers on positive childhood experiences.

3. Missing Children

3.1: What we believe to be the key findings from NYAS' inquiry into 'out of area' placements submission are detailed below:

- The most common age for a missing episode was 17 years old: This statistic re-emphasises the need for unregulated accommodation to be banned for 16 and 17-year-olds.
- 1,740 return interviews were offered to young people 'in borough', of which 594 (34%) declined
- 210 return interviews were offered to young people 'out of area' of which 29 (14%) were declined: The discrepancy in declined return interviews from young people 'in borough' and 'out of area' must be tracked so comparisons between statistics can be made, making it easier to track trends between placements.

These stark findings clearly illustrate that statutory guidance is necessary. Our report's recommendations to stop vulnerable children from going missing were as follows:

- The child's wishes and feelings must be taken into account in decisions made about their placement and their lives
- Children must not be placed 'out of area' because of financial pressures taking priority over their best interests
- All Return Interviews must be conducted by a professional who is genuinely independent of the local authority

3.2: Although data generated in NYAS' 'Missing the Point' report was focused on Wales, key recommendations were made that we believe the care review should adopt in its evaluation of the care system in England:

- Corporate parents should commission projects to give tailored support to children repeatedly reported missing
- A standardised system of data recording for return interviews should be set up by the government

4. COVID-19

4.1: Several key statistics were found from 'Our Lives in Lockdown' report survey:

- 4 in 5 care leavers felt lonely and anxious more often during the lockdown
- 1 in 10 children in care had no contact with their social worker since the lockdown began
- 1 in 5 care leavers did not have the technology they needed to stay in touch with friends and family during the lockdown
- Care leavers were four times more likely to see their personal adviser 'less often' than 'more often' during the lockdown
- Half of children in care felt lonely more often during the lockdown

The key findings point towards how much children in care and care leavers have been forced to ensure due to the lockdown on top of other challenges. Yet alarmingly, these key statistics were collected only a few months after the first lockdown. We are exactly one year from the month when the COVID-19 lockdown began – that's one year of isolation that these children and young people have had to cope with on top of many of them dealing with poor mental health caused by adverse childhood experiences.

The care review must therefore consider the damaging impact the lockdown has had on children in care and care leavers above and beyond the funding already required for mental health provision in children's services.

4.2: <u>Qualitative Data</u> (names changed for anonymity):

"Not being able to socialise has affected my mental health, increasing my anxiety levels and depression. Only being given one walk a day to grab essentials or walk the dog is not enough considering I used to go out for three or four each day of the week." - Harry, 17, Living with a relative

"I'm rather depressed and anxious, as I am unable to talk to family and friends. I do not have a phone to be able to contact them on and the WiFi connection is too poor. I can't go on social media or Netflix." - Sophie, 22, Care Leaver

"My social worker has other priorities; I have not seen them since this lockdown started." - Aisha, 17, Care Leaver

5. Youth Justice

<u>Alliance for Youth Justice</u>

5.1: SCYJ's research found that out of all the 16 jurisdictions, the criminal justice system in England and Wales is the most punitive:

- There is no distinction between child and adult records
- No provision exists for the sealing or expungement of records

- The system operates in such a way that a large number of children acquire criminal records which have long-term implications

Given that care-experienced children currently make up half of those placed in youth custody and that children in care in England are six times more likely than other young people to be cautioned or convicted of a crime, the care review must make youth justice a priority. Although there is an evidence gap in terms of the complex ways in which a criminal record can affect young people for the rest of their lives, the fact that considerable change must be made to the system couldn't be more explicit. Since this report was produced, changes to child criminal records have come into effect, but they need to be more ambitious.

Howard League

5.2: The report's findings added to the wealth of evidence that the criminalisation of care-experienced children and young people must end.

- 70% of children who offended in children's homes in the year to 31 March 2016 had been taken into care because of acute family stress, family dysfunction, parental illness/disability, or absent parenting
- About 60% of children in the youth justice system have significant speech language or communication difficulties
- 71% of the children in children's homes on 31 March 2016 who had been convicted or subject to a final warning or reprimand during the year, for whom data is available, were found to have emotional and behavioural health that was of borderline or actual concern

5.3: The young people's evidence conveys how being criminalised makes them feel. Furthermore, their testimonies demonstrate the various factors that lead to their criminalisation.

6. Family Law solutions

6.1: The "What about me?" study, above all, identified that any major changes to keep children out of court rooms must be accompanied by a major societal shift. Key recommendations in order to decrease the statistic that one third of separating parents make an application to court are listed below:

- The government should establish a family lead to provide coherent oversight of the provision for children and parents
- A shift in language away from legal disputes towards a language of supporting parents to resolve issues must take place
- Family disputes should be resolved holistically to make child-focussed decisions

6.2: The Public Law Working Group's broad recommendations in respect to children's services are as follows:

- Ensure the voice of the child is at the centre of collective thinking
- Planning for newborns and support for babies
- A shift in culture and a renewed focus on social workers and caregivers

We'd encourage the review board to brush over the Family Justice Young People's Board's top tips for working with children and young people in Appendix 1 of the report to shape their decision-making.

6.3: Broadhurst *et al.* found through conducting a quantitative analysis of volumes, frequencies, and incidence rates, that 32% of all cases of care proceedings issued for infants concerned newborns in 2007/8. In 2016/17, this percentage increased to 42% of all cases.

In terms of the likelihood that newborns in the general population would become subject to care proceedings, the incidence rate has more than doubled in just under ten years, increasing from 15 newborns per 10,000 live births in the general population in 2008 to 35 per 10,000 in 2016.

Finally, the disparities between local authorities were stark, with Yorkshire and Humber and the North West recording an incidence rate of 30 cases of care proceedings concerning newborns per 10,000 live births in comparison to 18 per 10,000 live births in London and the South East.

Broadhurst *et al*'s findings should prompt the care review team to consider the following recommendations endorsed in the paper:

- Statutory guidance on pre-birth assessment and best practice regarding care proceedings at birth should be made available
- More funding for preventative services would decrease the high rates of newborns coming before the courts

7. Stability

Children's Commissioner Office

7.1: Some of the key findings from the Stability Index from 2020 are as follows:

- Just over 1 in 10 children in care (8,000 children) experienced multiple placement moves in 2018/19 — a figure that has remained largely consistent since 2016
- 1 in 4 children in care in both 2018 and 2019 experienced 2+ placement moves over 2 years
- Children whose first placement is in an LA run placement are increasingly being moved into privately run placements
- For children whose first placement during 2018/19 was in a secure/specialist residential placement or children's home, 7.5% of this group experienced 2+ placement moves in both 2017/18 and 2018/19 (349 children)

8. Education

8.1: The Department for Education found care leavers' progression rate into higher education to be 13%. Year-on-year growth of care leavers accessing higher education is indeed a cause for celebration but, in comparison to their peers, should not be regarded as such. Non-care-leavers enjoyed a 43% progression rate, meaning that a total of 30 percentage points stand between the two groups compared to only 25 percentage points in 2009/10.

8.2: Robust data was produced from the NNECL's report — especially regarding early withdrawal of care leavers in higher education. It was found that care leavers were around 38% more likely to withdraw from their course and not return. Additionally, the reasons for care leavers' negative experiences during the transition to higher education were poor support from their local authority, financial problems, difficulties in navigating changes, and social/emotional issues.

Similar to the other issues highlighted in Q6, the evidence is very robust. Now we need to see action taken on recommendations.

9. Poverty

9.1: Children England found that the total and preventative spending on children's services by local authorities has low correspondence with child population, SEND, and deprivation levels. Using Birmingham as an example of a a high deprivation local authority, Children England proved that although it may seem as though high deprivation local authorities spend *more* per child, they actually spend less per child when the scale of underlying need is taken into account.

Children England's proposal for a funding formula designed to reflect the varied costs of funding local authorities dependent on the current and projected child population, number of disabled children and young carers, and multiple deprivation indices for the area should be considered as a viable option for children's social care. Children England argue that only if implemented will central government begin to fulfil their statutory duties to children in accordance with the Children Act 1989.

9.2: One of the Nuffield Foundation report's most substantial findings was that there is a clear link between deprivation and private law applications: In 2019/20, 29% of applicant fathers and 31% of mothers making a private law application lived in the most deprived quintile, representing 20% of the wider population. 54% of mothers and 52% of fathers were similarly living in two of the most deprived quintiles, representing 40% of the wider population. This clearly signifies that policymakers must scrutinise the economic vulnerabilities of adults and children.

The report also gave reference to the fact sibling support is a major resilience factor for children that will be reported missing in large numbers of private law cases. Every effort that can be made to provide children with sibling support should be so the voice of the child is heard in family court cases.

10. The Power of Participation

10.1: Qualitative research techniques placing care-experienced young people at the fore generated tangible results that should be used to inform how the care review progresses.

Results of the survey:

- 92% (150 people) believed that children & young people in care and (statutory) Care 'Leavers' should have their views listened to in the Care Review:
- 81% (132 people) believed that people with Care experience should be involved at all stages of a Care Review in England (planning, gathering evidence, analysis, recommendations and outputs)
- 80.4% (131 people) believed that people of all ages with Care experience should be equal stakeholders to independent providers, local authority, commissioners, policy experts, foster carers, social workers

Key recommendations for the review also included the following:

- A wide cross section of care-experienced people should be consulted
- Acknowledgement that care-experienced people at the experts in their care
- Care-experienced people over 25 must be consulted

10.2: It would be impossible to list all the findings from 1000 individuals' lived experience of the care system included in Scotland's comprehensive review. Nonetheless, what England's care review team should take away from the '1000 Voices' project is that participation from those with lived experience is crucial towards shaping a robust review.

8. In which areas of children's social care do you think there are evidence gaps or conflicting evidence? Please provide this evidence where possible.

1 Secure Accommodation

Children's Commissioner (2019) 'Who are they? Where are they? Children locked up' [online] Available at: https://www.childrenscommissioner.gov.uk/2019/05/16/almost-1500-children-in-england-are-locked-up-by-the-state-at-a-cost-of-a-third-of-a-billion-a-year/

There is a deeply concerning lack of information publicly available on secure children's homes for welfare. Within the available research, it is impossible to make an accurate assessment of either short or long term outcomes for children placed on a s.25 welfare order. It would be useful to apply the care review's own framework to seek evidence as to the ability of secure children's homes to provide a safe, loving and stable environment for the children and young people placed in them.

The former Children Commissioner Anne Longfield's report is one of the most substantial pieces of evidence published on secure units, but was not focused exclusively on welfare orders. It was found that:

- 1,465 children in England were securely detained in 2018.
- Medium secure mental health settings are the most expensive form of provision.
- There are an additional 211 children who are locked away but whose whereabouts are unknown to the system.

Secure accommodation has not yet been mentioned in the care review's plans, yet it is an area in urgent need of attention.

2. Outcomes in Different Types of Care

2.1: Li, D. *et al.* (2017) 'Comparing Long-Term Placement Outcomes of Residential and Family Foster Care: A Meta-Analysis' [online] Available at: https://journals.sagepub.com/doi/pdf/10.1177/1524838017726427

There is a large evidence gap concerning outcomes in different types of care for children. Although the current trend is recognised for children and young people to enter the care system at an older age with higher psychological and behavioural needs, there is no coherent corresponding evidence-base to inform how social workers decide where to place children.

Li *et al.* commented on the large evidence gap in outcomes in types of care and called for:

- More research on outcomes in residential and family foster care
- Provision of an age-appropriate explanation for the child to understand the placement decision
- More integrated and professionalised assessment at the point of entry into the out-of-home care system, including taking the child's opinion into account

2.2: Children England (2016) '"Children in Charge": Imagining systemic reform and redesign in care commissioning for children' [online] Available at: https://www.childrenengland.org.uk/children-in-charge.

Children England's report highlights the 'hierarchy of placements' that children and young people in the care system are often subjected to. The evidence surrounding this problem is unfortunately insufficient – Children England's report have based their discussion on placement hierarchy around

the public reports of some placement officers and care commissioners. Although we know that in some instances, officers and commissioners have been forced to go through a 'hierarchy' of placements before obtaining budget approval for higher-cost care options, thereby placing the child subjected to placement insecurity under tremendous stress due to placement breakdowns, there is no evidence regarding the outcomes of children subjected to multiple placement breakdowns.

More evidence must be conducted to assess the impact placement insecurity has on children and young people and just how often placement officers and care commissioners are forced to go through this process. More broadly, the review must re-evaluate the care system dominated by the 'industry' of procuring placements. Children England's new design – which includes creating a new statutory body for children and ensuring all placement decisions would be made and approved by the parental responsibility holder, the placement provider/carer, and the child or young person themselves – is an excellent source to consult.

3. Article 12 within Local Authorities

Article 12 of the UNCRC: Every child has the right to be heard in matters affecting them and to participate in the life of their family, community and society.

- As far as NYAS are aware, there are no consistent standards across local authorities setting out how children and young people's voices are heard in decisions that affect them in accordance with Article 12 of the UNCRC.
- The lack of evidence regarding how corporate parents make sure that Article 12 is a reality for their children and young people is alarming.
- NYAS therefore urge the care review to develop statutory guidance for local authorities across England to give voice to the child, much like the Welsh Government's Section 12 of the Children and Families (Wales) Measure 2010.

4. Child Criminal Exploitation

4.1: Sixth Briefing (2020): Victims not Criminals: Protecting children living in residential care from criminal exploitation', Available at: https://howardleague.org/wp-content/uploads/2020/03/Victims-not-criminals.pdf

The evidence gap regarding county lines is vast, considering that they constitute such a major threat for vulnerable children. The robust research and evidence offered in the Howard League's final briefing on ending the criminalisation of children living in residential care discusses the issue of "county lines" and how the government must recognise that the ways in which the current residential children's homes are structured benefits abusers.

Statistically speaking, the Howard League attributed the complete lack of robust data to support what they refer to as "anecdotal evidence" down to professionals not identifying and recording instances of child criminal exploitation. This evidence gap must be closed.

9. Do you know of any evidence, analysis or research that challenges current practices in children's social care? Please provide this evidence where possible

1. Unregulated Accommodation

1.1: NYAS (2019) '16-17 year olds in unregulated accommodation – Adjournment debate' [online] Available at: https://www.nyas.net/wp-content/uploads/MP-Briefing-for-Unregulated-Accomodation-Debate-in-Parliament-on-15.10.19.pdf

NYAS' 'Regulate' campaign calls for unregulated accommodation to be banned. As part of the campaign, NYAS submitted a written briefing for MPs ahead of a debate in parliament. This submission included powerful qualitative evidence from young people NYAS work with. In their own words:

- "My experiences living in that type of environment [unregulated accommodation] was a living nightmare. The number of stories and scary experiences I've faced during living there will probably stay with me forever."
- "I lived in unregulated accommodation last year for 4 months and during my time there, there was violence, anti-social behaviour and many people taking class A drugs on premises. I think that there is too much trouble and drama, it's hard to move on because it's too hectic. While living there I had many PTSD and anxiety attacks because of violent behaviour from other residents."
- "Not only was there a lack of support in place for me there was also none for everyone else in the building. Almost everyone was carrying around illegal weapons, everyone was engaging in gang activity and the levels of drug use was appalling. The amount of nights I was woken up to screaming, other kids fighting or the fire alarm going off at 4am. This made it impossible for me to continue my studies, so I never got to finish my college course. Add on top of that biased staff, unfulfilled promises, normal teenage problems and the emotional trauma of our childhood that led us into there and you have a disaster waiting to happen."

Evidently, the above qualitative evidence challenges current practices in children's social care. As stated in our debate briefing submission; "the current situation risks a perfect storm".

1.2: Children's Rights Alliance for England (2020) Not in Care, Not Counted' [online] Available at: http://www.crae.org.uk/media/128481/Not-in-care-not-counted-June-2020.pdf

Children's Rights Alliance for England's (CRAE) report addresses the unlawful accommodation of 16- and 17-year-olds who do not receive the support they are entitled to from local authority children's services. This report analyses Section 17 of the Children Act 1989, which local authorities often misinterpret to justify housing children on their own. Section 17 of the Children Act is, in fact, a provision that should be applied to families.

The research report also produced figures on FOI requests submitted to all local authorities in England asking how many 16- and 17-year olds they had housed without making them looked after children in the eyes of the law. Approximately 1/3 of local authorities responded and, from the replies, CRAE estimated that over a year, more than 2,500 16- and 17- year olds are being housed by their local authority without legally being in care. More than half of these children (1,498 from estimates based on responses from 39% of local authorities) are living in unregulated accommodation.

Subsequent analysis and evidence from CRAE's report infers that unregulated accommodation directly threatens care-experienced children and young people's stability and safety. Based on FOI responses from 2018, the situation seems to be worsening.

1.3: Department for Education (2020) 'Looked after children in independent or semi-independent placements' [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864075/Looked_after_children_in_independent_or_semi-independent_placements_Feb_2020.pdf

DfE's commissioned research on 16- and 17-year olds in unregulated accommodation. It was found that:

- 6,180 looked after children were living in independent or semi-independent placements at 31st March 2019
- 1,500 children in unregulated placements aren't looked after/in care – that's 1 in 5 children in unregulated accommodation who aren't looked after

Unfortunately, the DfE's proposals in the consultation fail to mention what should be done to decrease the percentage of 1 in 5 children who aren't currently looked after.

NYAS believes that banning unregulated accommodation for 16- and 17-year-olds should be among the care review's key priorities. We are not aware of any credible evidence to support their continuance without regulation.

2. 'Out of Area' Placements

All research into 'out of area' placements has challenged current practices in children's social care, proving that such placements are incompatible with the care review's aims of stability, love, and safety.

2.1: APPG for Runaway and Missing Children and Adults (2019) 'No Place at Home: Risks facing children and young people who go missing from out of area placements' [online] Available at: https://www.childrenssociety.org.uk/sites/default/files/2020-10/no-place-at-home.pdf

The APPG's report found that care-experienced young people living in out-of-area placements are at particular risk of going missing. The results speak for themselves:

- Over 70% of the 41 police forces that provided evidence confirmed that placing children in out-of-area placements increases their risk of exploitation
- The same FOI request established that over three-quarters of the 41 police forces expressed concern about the increasing numbers of children sent to live in these placements and the exploitation risks they face
- The exact number of children placed in unregulated accommodation is not publicly known and not reported at the national level. However, based on FOI requests, the number of children placed in this type of accommodation almost doubled between 2016-2019.

2.2: House of Commons Library (2020) 'Briefing paper on looked-after children: out of area, unregulated and unregistered accommodation (England)' [online' Available at: https://commonslibrary.parliament.uk/research-briefings/cbp-7560/

House of Commons Library's research into 'out of area' placements highlights related statutory guidance. They state that under Section 22C the Children Act 1989, accommodation provided by local authorities for children in their care must be "within the local authority's area" unless this is "not reasonably practicable". The report also states that there is no provision in legislation that prohibits a local authority from placing a child out of area.

2.3: Children's Commissioner (2019) 'Pass the parcel: Children posted around the care system' [online] Available at: https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/12/cco-pass-the-parcel-children-posted-around-the-care-system.pdf

Anne Longfield's report highlights that children living far away from home are easy targets for exploitation for criminal gangs who expand drugs market through 'county lines' activity in semi-rural areas. Her findings included both qualitative and quantitative data.

Qualitative

"I feel like a parcel getting moved around all the time, getting opened up and sent back and moved on to somewhere else." - Teenage girl, in care over 100 miles from home

"I don't even know where I am on the map." - Teenage girl

"My social worker told me I was going into foster care in my hometown then she drove me here and it's a children's home and it's hours away. I said I didn't want to be in a home." - Teenage girl

Quantitative

Over 30,000 looked-after children lived 'out of area' in England at 31st March 2017/18. Out of this group, 40% (11,352) were living more than 20 miles from their home postcode

The number of children living out of area had risen by 13% since 2014.

3. Advocacy Access

3.1 Children's Commissioner (2019) 'Advocacy for children: Children and young people's advocacy in England' [online] Available at: https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/06/CCO-Advocacy-for-children-June-2019.pdf

NYAS often support young people who tell us they only found out that they were entitled to an advocate after leaving care. The Children's Commissioner's 2019 data unfortunately backs up concerns over access to advocacy. A data request to local authorities in England, to which 119 of local authorities responded, found that:

- The current level of provision sees (at most) 30% of all eligible care leavers accessing advocacy services
- The rate for advocacy support for children in receipt of social care services was 0.2 referrals per child
- A stark difference between local authorities in terms of advocacy provision was identified. 49% of local authorities made representations on behalf of 100% of care leavers who were referred, but the lowest rate was 3%.

4. Entitlement to an Independent Visitor

4. 1 National Independent Visitor Network (2019) 'The National Independent Visitor Data Report 2019' [online] Available at: https://www.barnardos.org.uk/sites/default/files/2019-11/National%20Independent%20Visitor%20Data%20Report%20-%202019.pdf

The National Independent Visitor Network's report in 2019 identified that only 3.5% of looked-after children across England are currently matched with an Independent Visitor. They also found that eight local authorities currently host no IV provision at all. Children and young people are clearly

subjected to a 'postcode lottery' when it comes to their IV entitlement, which led to the development with NYAS of 'The Right Friend' campaign.

4.2 National Independent Visitor Network (2020) 'The Right Friend Campaign' [online] Available at: https://www.nyas.net/wp-content/uploads/The-Right-Friend-Campaign-Leaflet.pdf

NYAS' 'The Right Friend' campaign considered all the evidence surrounding independent visitors as well as our own experience with running IV services to create robust campaigning recommendations, including:

- For all local authorities in England who have no independent visitor service to take immediate action to meet their legal obligations
- Matching at least 10% of looked after children per local authority in England with an IV by 2022
- Abolishing the age limit to the right to an IV of 25 to reduce social isolation and build positive pathways to independent adulthood

Statistics from throughout the COVID-19 pandemic are starting to emerge and care-experienced children and young people have reported feeling more lonely and isolated. It is vital that the care review considers how to broaden IV provision as a vital entitlement.

10. Is there anything else that you would like to share?

Although the evidence speaks for itself, it must be acknowledged that the views of care-experienced young people are far broader than numbers and data. Gathering tangible findings is vital, but data collection should only follow from understanding and connecting with care-experienced children and young people to ensure the review delivers for them.

Before you set out a case for change later this year, NYAS urge you to embed participation and engagement within the review.

Finally, the conversation on children's social care cannot be complete without discussing children's rights. Upon reading the document discussing early plans for the care review, we were concerned to find that children's rights are still omitted from the plans, despite our recommendation in the earlier 'call for advice'.

The lack of a rights-based approach is why we have shared to links legislation setting out children's rights in England:

Children Act (1989) Available at: https://www.legislation.gov.uk/ukpga/1989/41/contents

Children Act (2004) Available at: https://www.legislation.gov.uk/ukpga/2004/31/contents

Children and Young Persons Act (2008) Available at: https://www.legislation.gov.uk/ukpga/2008/23/contents

United Nations Convention of the Rights of the Child https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

Here is the most recent submission, which NYAS has actively contributed to, by civil society on the upcoming UNCRC monitoring work:

Children's Rights Alliance for England (2020) 'England Civil Society Submission to the United Nations Committee on the Rights of the Child to inform its List of Issues Prior to Reporting' [online] Available at: http://www.crae.org.uk/media/129724/CRAE_LOIPR_09-DEC-20.pdf