



Correspondence

# Letter from Yvette Stanley, National Director Regulation and Social Care, to Josh MacAlister, Chair of The Case for Change

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## Ofsted's response to The Case for Change

We welcome the wide scope and the forthright nature of The Case for Change. As you stated in January when it was launched, the care review represents a unique opportunity to bring about positive change to a system that has too long struggled to deliver consistently good outcomes for children and families. I agree, and this is no time for equivocation or hesitancy.

There is much in the paper that we welcome and endorse. The big questions that you are asking are unlikely, of course, to lead to simple answers. They will require serious and robust debate. All organisations with responsibility for children and families need to look inwards for solutions, as well as outwards. At times, those debates may be unsettling but it's incumbent on all of us to engage in discussions constructively, relying on measured arguments.

We have been pleased to meet you and your team regularly as the review has progressed. You have already identified several specific practice and policy questions that Ofsted's inspection evidence, data and research findings may help to answer. We look forward to providing this information and having more detailed discussions on those matters.

In the meantime, this letter provides feedback on some key issues raised by The Case for Change.

### The call for a whole-system, cross-government approach

We have already stated our view that many solutions are beyond the reach of children's social care. They require coordinated national action and relevant government departments to pull their weight in the same direction.

### Timely, effective help for children and families

We welcome the emphasis you place on effective early intervention and support for families. As you say, money alone is not the answer, but significant investment – carefully targeted – is needed to bring about better, more sustainable outcomes for families and to reduce the disproportionate expenditure on high-cost statutory services.

We agree that support for kinship care needs to be increased. The needs of the many thousands of children growing up with extended family and friends have been severely underestimated for too long. Similarly, adopters and families with disabled children often struggle to access the right help at the right time. We welcome the report's focus on the wide range of families experiencing similar challenges, such as established adoptive families and families with disabled children.

Your call for urgent action to address the stubbornly poor quality of secure justice provision is necessary. Reform has been slow but is desperately needed. The pandemic has only served to exacerbate the risks faced by children in secure training centres, and to highlight further their overall poor experiences.

### The relationship between poverty and state intervention

We are pleased to see the report raise the link between deprivation and families' involvement with children's social care. We would like to see the review explore the impact of poverty on children and families in more depth, and how policy and practice can either exacerbate or challenge inequalities wherever they're found.

### The 'broken' market

We welcome the attention given to the 'placement market' and agree that a fundamental rethink is required, given the growing sufficiency crisis. We have shared our views on this with you already and with the ongoing [Competition and Markets Authority inquiry](#). I will summarise those views here.

- The current system does not work well for children.
- The lack of children's homes offering the right type of care in the right place, and the chronic shortage of foster homes and secure provision (your call for urgent action), means that some of our most vulnerable children are often likely to be living far from home in unsuitable provision, risking further instability and difficulties.
- Despite growing evidence of good practice, there remains considerable scope for a more coordinated approach (nationally and regionally) to the planning and commissioning of placements, particularly for more specialist provision; many local authorities carry out exhaustive national searches for individual children and ultimately pay very high fees for poorly matched, high-cost placements.
- Ofsted's regulatory powers reflect an out-of-date profile of providers; no organisation has the responsibility to oversee the 'market' for children in the same way that the Care Quality Commission (CQC) does for adults. We believe that this is a serious gap.

### Building, not breaking, relationships in care

We are glad to see the strong emphasis on protecting and nurturing lasting relationships for children in care. This is of critical importance for children within the care system, who too often are not supported to maintain relationships with people who are important to them.

[Recent Ofsted research](#) found that more could be done to support children's lasting relationships with previous foster families and with birth families, confirming [earlier research by the Fostering Network](#). You are right to highlight how a lack of social networks contribute to the isolation and poor mental health that too many young people experience after leaving care.

We share your concern that, for many young care leavers, the journey to independent living is often accelerated at a much faster rate than their peers. It is good that many young people have been able to remain living with their foster carers beyond the age of 18, but implementation remains uneven. Young people in residential care are considerably disadvantaged by the limited access to such opportunities. The rollout of 'Staying Close' has been very slow.

### Residential care

We are interested in your question about the role of residential care. For some children, residential care can play a very important role – for example, providing some short-term stability as part of an overall plan to return home. It can be a successful planned route to permanence for some children. Not all children want to live in a family-type environment. If we understand the positive impact that children's homes can play in children's lives, we risk residential care being seen as the last resort for children. Too often, it has been seen this way, and children who have not been happy in family-type care can experience a high number of moves before finally moving to a children's home.

Of course, good outcomes for children are dependent on good, child-centred decisions made by adults on their behalf. These decisions are, as you know, constrained significantly by the shortage and uneven spread of children's homes across the country. The overall sufficiency crisis leads to:

- too many children living far from their home authority, which can lead to reduced access to support and increased isolation from friends and family
- an increase in the use of unregistered and/or unregulated provision for children in care – usually as a last resort and, sometimes, directed by the courts for very vulnerable children; these decisions reflect, at least in part, the severe lack of capacity within the current secure estate to provide the right type of care for children who may need to be in secure accommodation

Given this context – and the fact that children usually arrive in residential care as older teenagers, often for short periods, and with complex needs – we need to be careful about how we assess the quality and impact of residential care. That's why we look at children's progress from their starting points during [SCCIF inspections](#) of children's homes.

### Safeguarding teenagers outside the home

While we have seen many local areas step up to the challenge and adopt different models and approaches to address extrafamilial harm, we recognise many of the criticisms of how the current system is failing older children. Good practice is characterised by strong partnership working, effective leadership and specialist training for staff. Lessons learned need to be shared across multi-agency partnerships.

We strongly agree that legislation and guidance have not kept pace with practice. This is a significant challenge to those working to safeguard and protect older children.

Ofsted has undertaken a range of work looking at the specific needs of older children, including [joint targeted area inspections](#) on the neglect of older children and on sexual and criminal exploitation.

### The inherent tension between child protection and support

Social work with marginalised families with complex or high needs requires significant skills. Social workers have to balance the rights to family life with the need to protect vulnerable children. Many manage this well, although generally this only works in a multi-agency context. The combination of being able to offer support while addressing concerns about children's safety may well be the optimum way to engage families who, for a variety of reasons, may be resistant to working with professionals. It is not clear how separating support and protection will lead to better outcomes for children or their families. There are many issues to consider, such as navigating the complex issues of consent or the dynamic, changing nature of risk. Holding more risk in families or communities will require significant investment.

There is [research on the experiences of parents and carers whose children had been subject to a child protection plan](#). Parents clearly identified the elements of professional practice that facilitated effective management of the inherent tensions between offering support and seeking to protect children. These elements included empathy, listening skills, clarity, honesty, reliability and, notably, 'offering practical support'.

### Focusing on support, not investigation

The review is right to highlight the increase in the number of child protection inquiries as worthy of serious investigation. This is a complex area with many related issues to consider when seeking to understand the underlying and systemic reasons for the rise, and what this means for children and families.

You are right to address the [context of reduced funding](#) for local authorities and other agencies that support children (for example, [youth services](#)), and [increasing child poverty in the UK](#). When resources are scarce, local authorities are likely to prioritise statutory services. An absence of earlier support may mean that families come to the attention of services much later, when problems have worsened, and a statutory intervention may be the only option.

Increased understanding of the nature and impact of abuse and exploitation, including harm from outside the home, are also likely to have contributed to the rise in statutory interventions, as The Case for Change acknowledges.

Our inspection findings, generally, do not suggest that local authorities are carrying out unnecessary child protection investigations. Generally, we are more likely to report that a local authority is too slow to take decisive action when children may be at serious risk of harm. We have agreed to analyse our evidence more deeply – including the extent and nature of variability in practice – and to discuss the available data with you further, including re-referral rates. We'd suggest that cross-agency responsibilities for child protection, especially in relation to section 47 investigations, need to be explored further as part of the review.

### Bureaucracy and the conditions for effective decision-making

The reflections and subsequent question on social work 'bureaucracy' may imply that activity other than direct work with families and children is unhelpful or unnecessary. Case recording, reflection and supervision, for example, are all integral and important parts of getting it right for children and families now, and for the future (for example, to help children in care understand their histories). We would suggest that it is more appropriate to reflect on the need for the right balance of direct work and other meaningful activity.

Similarly, we acknowledge that social work needs to be creative and flexible, but an over-emphasis on 'freedom' or autonomy may ignore some important issues of accountability. Shared decision-making with appropriate oversight is usually safer for children. Without the right support systems and appropriate oversight, families' experiences of social care are likely to be more random and inconsistent. The message contained in ageing, but still valid, research (by Noel Timms, an early proponent of the person-centred approach and the idea that users of services were 'exponents by experience') becomes even more pertinent: 'Choose your social worker with care'. Nevertheless, we agree with your essential assertion that that we have not got the balance right. More still needs to be done to remove obstacles to providing more help that directly benefits children and families. These include, as you rightly suggest, inappropriate performance indicators or a 'blame' culture.

Local authority practice that makes the most positive difference for children and families is underpinned by stable leadership at all levels, a settled and skilled workforce holding manageable caseloads, and well-established relationships with partner agencies who share an overriding commitment to helping and protecting children and families. Oversight of practice, supported by effective performance management systems that enable robust evaluation, analysis and scrutiny of performance, looks beyond compliance and measures the [impact of practice on families' lives](#). Our evidence strongly suggests that if these key ingredients are in place, good practice can flourish.

### The role of regulation and inspection

Ofsted has an important role to play, of course. You have queried whether inspection does enough to look at the things that matter and take into account children's experiences of the system and whether it drives, unwittingly or otherwise, overly bureaucratic, compliance-led practice. The Case for Change raises an important point. We do not underestimate the influence inspection has on practice.

Focusing on what matters most for children (and, by extension, to families) is one of our core inspection principles. The experiences and progress of children are explicitly at the heart of our major social care inspection frameworks (ILACS and the SCCIF), which were developed in close consultation with stakeholders across the sector. As such, they are built on a consensus of what children and families should expect from children's social care and how inspections can best provide reassurance to all key stakeholders, including children and families.

We have worked hard to move away from inspections that are too compliance-based or over-prescriptive. The feedback we receive from providers and local authorities indicates that we largely get this right. But we will continue to listen to all feedback and do all we can to work consistently, and in a way that drives improvement and in the best interests of children and families.

We agree that sometimes there is an over-reliance on Ofsted judgements as a single measure of success or quality. For example, we have been clear with local authorities and providers, that decisions such as where children should live, receive help or go to school should always take into account a range of factors and be led by the individual needs of children. That may include evidence from recent Ofsted inspections, but certainly not exclusively.

We have already expressed to you our concerns that that the Care Standards Act and several key aspects of regulation need some urgent modernisation so that they don't unnecessarily restrict creative and flexible ways of working. High national standards need to be set across all types of care or support.

We look forward to discussing the role of inspection and regulation with you in more detail, as agreed, including the development of plans for the regulation of supported accommodation for 16- to 17-year-old children in care and care leavers.

### The purpose of children's social care

In your call for evidence, you set out the review's big question: how do we ensure children grow up in loving, stable and safe families and, where that is not possible, care provides the same foundations? Within that question, we would suggest, lies the central purpose of children's social care.

Along the way, for those objectives to be achieved, we would expect that the welfare and rights of children are prioritised. The system must uphold and mirror core values such as dignity, respect and fairness. It must challenge inequality, while building on the strengths of families and the community and working in partnership with all those who share responsibility for the wellbeing for the wellbeing of children.

We will of course be happy to discuss any of the above with you. We remain committed to helping you as much as we can.

Yours sincerely

Yvette Stanley

National Director Regulation and Social Care

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